

ARM 4/78

A GUIDE
TO FORM AND STYLE
FOR THE ADMINISTRATIVE RULES OF MONTANA
AND
MONTANA ADMINISTRATIVE REGISTER



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INTRODUCTION

The Montana Administrative Procedure Act became effective on December 31, 1972. The basic intent of the Act is to promote uniformity of practice and insure fair procedural methods in administrative actions by the state regulatory agencies. Pursuant to this intent, the Secretary of State is responsible for compiling and publishing the rules adopted and administered by the respective executive departments in the Montana Administrative Register (MAR) and Administrative Rules of Montana (ARM). Section 82-4205(2) of the Act authorizes the Secretary of State to prescribe a format for the arrangement of rules in the Administrative Rules of Montana and the Montana Administrative Register.

The first section of this manual includes practical information to assist rule drafters prepared by the Department of Social and Rehabilitation Services. The Secretary of State gratefully acknowledges the permission of the Department to include the information in this manual. The examples for typists and format information were prepared by the Secretary of State's office.

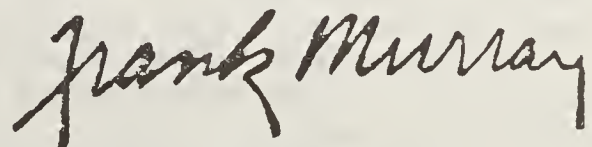
The reference section of this manual contains Chapter 2 and Chapter 6 of Title 1, Administrative Rules of Montana. Chapter 2, General Provisions, gives instructions for use of the code as a reference source, format rules for drafters and typists and for the procedures involved in keeping the code current.

Chapter 6, Model Rules, contains model rules of organization and procedure as drafted by the attorney general. These rules have been suggested to the agencies as a guide for fulfilling the requirements of the Act with regard to the rules of organization and procedure.

One purpose for the new style register commenced in July 1977, is to provide a separate publication which contains the full text of all new or amended rules either in the notice stage or in the rule section. Therefore, summarization should be avoided. If the rule incorporates by reference a model code, federal agency rule or like publication, a copy must be filed with the Secretary of State at the time the material is submitted.

The rulemaking agencies must follow the format set out in Chapter 2, General Provisions, when preparing and submitting rules for filing. The Administrative Code and Register Bureau, Secretary of State's office, will insist that the rules be submitted in correct format so that they may be photocopied for insertion into the Montana Administrative Register and Administrative Rules of Montana.

Your cooperation is necessary to attain uniformity and will be greatly appreciated.



FRANK MURRAY
Secretary of State

RULE DRAFTING INFORMATION

Theory and Purpose

1. Historical Perspective.

Under the traditional constitutional theory of government, administrative agencies are part of the executive branch of government. Most are created by statute and have only the powers and duties given to them by statute. "Legislation" is traditionally a function of the legislative branch of government, and administrative agencies share that function only to the extent the legislature delegates it to them through statute.

Agencies such as SRS must administer statutes. However, statutes usually do not contain all guidelines necessary for proper administration. To fill the gaps, agencies typically develop agency policies. When agency policies affect public rights and duties, but these policies are not published or otherwise readily available to those affected by them, constitutional rights such as the right to due process of law are too often ignored or abridged. Also, agencies sometimes misinterpret statutes, or exceed the authority given to them by statutes.

Courts have responded to such situations by requiring agencies to observe constitutional rights and to stay within their statutory authority. The principles from many court decisions have been codified in statutes establishing administrative procedures, such as the Montana Administrative Procedure Act (MAPA).

2. Basic due process.

In general, the basic elements of due process for making administrative rules are:

a. Notice. MAPA requires two rule-making notices for regular rules:

(1) Notice of proposed adoption/hearing. To inform the public that the agency intends to change (make, amend, repeal) a rule. The notice must contain enough information so that a Citizen can tell what change is being proposed.

(2) Notice of adoption. To inform the public that the agency has made the change and what the change is.

b. Opportunity for comment. MAPA requires that the public have the opportunity to make comments on proposed rule changes, and that the agency consider those comments

and either act upon them or explain why they were overruled. A public hearing is not always required, but is the most common way of allowing public comment.

Purpose of Administrative Rules

1. Public benefit. To afford due process and other rights, by giving interested citizens the opportunity to participate in the formation of agency policy, and by requiring publication of such policies, so that citizens know what their rights and duties are. This in turn tends to assure that agencies act rationally and evenhandedly, rather than "arbitrarily and capriciously."
2. Agency Benefit.
 - a. To impose necessary duties or requirements upon members of the public affected by agency-administered statutes, in such a manner that those duties or requirements can be enforced by a court if necessary.
 - b. To define and limit an agency's power and duty, so that agency personnel will understand what they are required or permitted to do.

Requirements of Montana Administrative Procedure Act (MAPA)

Reference: Montana Administrative Procedure Act (MAPA). sections 82-4201 et seq., R.C.M. 1947.

Scope MAPA governs all aspects of administrative rule-making in Montana.

- Definitions
1. "Rule" means "each agency regulation, standard or statement of general applicability that implements, interprets or prescribes law or policy or describes the organization, procedures or practice requirements of an agency." "Rule" excludes "statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public." 82-4202.
 2. "Substantive rule" means any rule which creates, defines or regulates rights or duties and includes both legislative rules and interpretive rules.
 3. "Legislative rule" means a substantive rule adopted under all applicable MAPA procedures and pursuant to rule-making authority expressly delegated to the agency by the legislature, through a statute. Legislative rules have the force of law if properly adopted and if within an agency's rule-making authority.

4. "Interpretive rule" means a substantive rule which may be adopted under applicable MAPA procedures, pursuant either to express or implied authority, for the agency to codify its interpretation of a statute. Interpretive rules do not have the force of law.

General Requirements

1. Rules of practice. MAPA requires an agency to adopt rules of practice which set out the nature and requirements of all formal and informal procedures available. These rules must include a description of all forms and instructions used by the agency. The rules must be consistent with governing statutes.
2. Public inspection. An agency must make all of its rules and other written statements of policy, or interpretations it has made, adopted or used in carrying out its functions, available for public inspection.
3. Copies. An agency must provide a copy of any of its rules to any person or agency requesting a copy. An agency may require payment of the cost of providing such copies, unless another statute provides otherwise.

Validity of Rules

1. Conformity to statutory authority. Rules must be made pursuant to, and conform to, statutory authority.
 - a. Legislative rules (having the force of law) are valid only if made pursuant to express statutory authority.
 - b. Interpretive rules (giving the Department's interpretation and not having the force of law) are valid only if made pursuant to express or implied statutory authority.
 - c. Examples: Express authority - a statute which directs or permits the Department to make rules for the XYZ Program; implied authority - a statute which requires the Department to administer a program and to do "all things necessary" to administer the program.
2. Compliance with MAPA procedures. Rules are valid only if they are adopted in accordance with all applicable MAPA procedures.

3. Time limitation. Rules are valid only if adopted within six months of the date of publication of the notice of intent to adopt the rule.

Procedure for
Adopting Rules

1. Notice of intent to adopt. An agency must give written notice to the public of its intention to adopt a particular rule, including new rules, amendments, or repeals. Notice must be given by filing with the Secretary of State's Office a "notice of intent to adopt." The Secretary of State's Office determines the form of the notice. MAPA requires that the notice contain the following:

- a. A statement of either the terms or substance of the proposed rule, or a description of the subjects and issues involved. In practice, this means that the rule itself should be included in the notice of intent to adopt, unless the rule is too long, in which case the rule may be described and must be available from the Department upon request. The description must be detailed enough so that any interested party can tell from reading the notice whether or not he or she is interested in getting involved in the rule-making process.
- b. A rationale for the intended rule. The rationale is a statement, as clear, brief and complete as possible, setting out why the Department finds the rule to be necessary.
- c. The time, place and manner in which interested persons may submit comments on the proposed rule.

2. Time frame for notice of intent to adopt and adoption. Notice of intent to adopt must be given at least 30 days, but no more than 6 months, prior to the intended effective date of the rule.

- a. The only exception is for emergency rules (see below).

3. Advisory committees and other consultants. An agency may obtain the viewpoint of interested persons through informal conferences and consultations, and may also appoint committees of experts, of interested persons, or of members of the public, to advise the agency. The role of such groups is only advisory, and the agency must follow the MAPA rule-making procedures even if it uses such groups. Such groups are not required.

4. Hearings.

- a. A hearing must be held on a proposed substantive rule if a hearing is requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the rule.
- b. In practice, if the proposed rule will significantly affect rights or duties of members of the public, a hearing should be scheduled in the notice of intent to adopt.
- c. The purpose of a hearing is to allow interested persons to present data, views, arguments or other material in oral or written form, or both.
- d. The public must be given at least 20 days' notice of a hearing.
- e. The public must have at least 28 days in which to submit data, views or arguments.
- f. A hearing date may be continued for "cause."
- g. The agency must give full consideration to all data, views or arguments received at a hearing or during the comment period. 82-4204.

5. Notice of adoption.

- a. Rules are adopted by filing with the Secretary of State's Office a "notice of adoption" within six months of the date of publication of the "notice of intent to adopt."
- b. Notice of adoption must contain a concise statement of the principle reasons for its adoption. If the agency received adverse comment on the rule, then the statement must also contain the principle reasons urged against its adoption and the agency's reasons for overruling those considerations.
- c. A rule may be adopted exactly as proposed, or may be adopted with changes made necessary because of valid comments or criticism received. If the changes are quite substantial, a new hearing may be required.

6. Effective date of rules. A rule becomes effective after publication of the rule by the Secretary of State.

- a. In general, rules are made effective the day after the date of publication of the Register by the Secretary of State.
- b. Exception. If a statute or the rule itself specifies a later effective date for the rule, the rule is effective as of that date.

Emergency Rules

1. Conditions for adoption.

- a. An emergency rule can be adopted only if the agency finds that an "imminent peril to the public health, safety, or welfare" requires adoption so quickly that the normal notice and hearing requirements for rule adoptions cannot be followed.
- b. The agency must state in writing its reasons for finding that such "imminent peril" exists, and a court may review these reasons to determine whether or not they are sufficient to justify emergency adoption of the rule.

2. Effective date and duration.

- a. An emergency rule can be adopted effective immediately upon filing with the Secretary of State's Office, or upon a shortened notice period, and with or without a hearing, as circumstances of the emergency situation require.
- b. An emergency rule can be effective for up to 120 days.

3. Identical emergency and regular rules.

- a. An identical regular rule can be noticed for adoption at the same time an emergency rule is adopted, if the required duration of the rule will be longer than 120 days. 82-4204(2).

Authority of Secretary of State

1. Format, style and arrangement. The Secretary of State prescribes format, style and arrangement of rules and rule notices, and may refuse to accept filing of any rule not complying with the prescribed format, style and arrangement.

2. Register. The Secretary of State maintains a permanent register of all rules, including superceded and repealed rules, publishes the ARM and the Register, and provides copies of rules to the public.

Administrative Code Committee

1. Review of rules. The administrative code committee of the legislature must review all rules, may make recommendations to the Department, may request hearings, and may recommend action on rules by the full legislature, such as directing an agency to adopt, amend or repeal a rule. The agency must comply with such directions.

2. Legislative poll. The committee may, if the legislature is not in session, poll the members to determine if a proposed rule is consistent with legislative intent. The results of this poll must be published with the rule, and if a majority of the members of both houses find the rule not consistent with legislative intent, the rule will be conclusively presumed, by any court considering the rule, to be contrary to legislative intent.

General Principles

Summary Principles for determining what material does and does not belong in the Administrative Rules of Montana (ARM) (formerly the Montana Administrative Code (MAC)).

Program Rules

1. Program rules. Every program administered by every bureau, division, department, board, advisory council or other state agency except those specifically exempted by 82-4202 should have a set of program rules in the Administrative Rules of Montana.

2. Review and update. Every set of program rules must be reviewed and updated at least once a year. The updating must include addition of new material, amendment of material needing change, and repeal of obsolete or extraneous material.

Nature of Rules

1. Mandatory. Rules are mandatory in nature and must be written as such. Rules may not be used to give suggestions, recommendations, and the like.

2. Enforceable. Rules must include only items which the agency intends to enforce, and must be written clearly enough so that a court can and will enforce them if necessary. The Bill Drafting Manual is useful

for rule drafting and may be obtained from the Legislative Council, Room 138, Capitol Building.

Specific Principles

Include

1. Public effect. Include any item which directly affects members of the public.
2. Enforceability. Include any item which the agency must enforce, and which may have to be enforced by a court.
3. Specific items. The following are types of items to include in the ARM, and examples:
 - a. Rights afforded.
Example: Right to a hearing.
 - b. Benefits available.
Examples: A license to operate a facility.
A service available from the agency.
 - c. Requirements or duties imposed.
Examples: Eligibility requirements for assistance.
Minimum standards for license.
 - d. Prohibitions or sanctions.
Examples: Conditions for terminating assistance.
Conditions for suspending licenses.

Exclude

1. Internal policy or procedures. Exclude any item which establishes only an internal policy or procedure.
2. No need for enforcement. Exclude any items which do not require agency or court enforcement.

Statutory Language

1. Repetition in rule. Do not repeat statutory language in a rule unless this is necessary for purposes of clarity or consistency, or for other good reason.
2. Clear reference. If statutory language must be used in a rule, the rule must make clear what part of the language is from the statute and what part is not. Quotation marks must be used for quoted statutory language. The rule must refer to the particular statute.

Incorporation by Reference

1. What material may be incorporated by reference.
Such material may include:

- a. Agency forms;
- b. Specific federal regulations;
- c. Federal handbooks or manuals; or
- e. Other appropriate material.

2. Form of reference. Material incorporated by reference must be referred to in such a manner that it is readily available to an interested person.

- a. If the material is published elsewhere in a publication generally available, a specific citation to the other publication is adequate.

Example: 2 Code of Federal Regulations (CFR),
section 15.161(a), "Income Limitation
Table."

- b. If the material is not published elsewhere in a publication generally available, or is available only from the agency, a specific citation is required, and also an address where the material may be obtained by an interested person.

Example: "XYZ Manual, January 1978 edition,
available upon request from the
Department of Social and Rehabilita-
tion Services, ABC Division, Box 4210,
Helena, Montana, 59601."

Department Forms

Incorporation by Reference. In general, forms should not be included in the ARM. The form should be incorporated by reference, with a description which is detailed enough so that an interested person knows generally what the form includes. An address must also be given, so that interested persons may obtain the forms.

Rules for Licenses

Minimum standards. Rules establishing standards for obtaining a license are minimum standards. They must include only the minimum a person must do in order to get and keep a license.

1.2.101 PREFACE (1) Title 1 contains statements and rules which introduce and explain the code as a whole.

(2) Chapter 1, the foreword, states the authority for and general intent of the code, and the customary credits.

(3) Chapter 2, General Provisions, gives instructions for use of the code as a reference source, format rules for drafters and typists, and for the procedures involved in keeping the code current.

(4) Chapter 6 contains model rules of organization and procedure as drafted by the attorney general of the state of Montana. These rules have been suggested to the agencies as a guide for fulfilling the requirements of the act with regard to the statement of rules of organization and procedure. The agencies have had the option of adopting the model rules in whole or in part. To avoid unnecessary repetition of the model rules they have been stated in full in title 1 to which the agencies may refer at the appropriate place in their portion of the code for incorporating the model rules by reference.

(5) Chapter 10 is the final chapter under title 1. It contains a verbatim restatement of the Montana Administrative Procedure Act as enacted and signed into law on April 1, 1971 and subsequently amended.

(6) An explanation of the organizational structure and composition of the remaining titles of the code along with other general explanations are contained in the following pages.

1.2.201 TITLE NUMBER ASSIGNMENTS (1) Every executive department whose rules have been designated for inclusion in the code has been assigned a title number, as enumerated below:

Administration, Department of	2
Agriculture, Department of	4
Auditor, State of Montana	6
Business Regulation, Department of	8
Education, Department of	10
Fish and Game, Department of	12
Governor, State of Montana	14
Health and Environmental Sciences Department of	16
Highways, Department of	18
Institutions, Department of	20
Community Affairs, Department of	22
Justice, Department of	23
Labor and Industry ,Department of	24
Lands, Department of State	26
Lieutenant Governor, State of Montana	30
Livestock, Department of	32
Military Affairs, Department	34
Natural Resources and Conservation, Department of	36
Public Service Regulation, Department of	38
Professional and Occupational Licensing, Department of	40
Revenue, Department of	42
Secretary of State	44
Social and Rehabilitation Services. Department of	46
Superintendent of Public Instruction, Board of Public Education.	48

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONER OF THE
BUREAU OF CHEMISTRY
AND
MINERALOGY
FOR THE YEAR
1907
PUBLISHED BY THE
BUREAU OF CHEMISTRY
AND
MINERALOGY
WASHINGTON
1908

1.2.202 NEW ARRANGEMENT OF THE ADMINISTRATIVE RULES OF MONTANA The new arrangement of ARM is as follows:

(1) titles - Title 1 contains the general provisions which include the format instructions, the attorney general's model rules and the Montana Administrative Procedure Act. The remaining titles have been assigned to the executive departments of state government which are or may in the future be subject to the provisions of the Act. They were originally assigned in alphabetical sequence of the departments beginning with number 2 and omitting every other number for future growth;

(2) chapters:

(a) During recodification, the chapters now existing under each title in the Administrative Rules of Montana will be re-numbered and rearranged, if necessary; in a more logical sequence. An agency's past experience will prove invaluable in organizing its rules and placing them in a logical order under chapters and subchapters and where the rules will be readily located by interested persons. One important factor is to allow space for future expansion by reserving chapter numbers, subchapter numbers and page numbers in areas where growth has been consistent in the past. However, reserving numbers should only be used when the need arises and is not a requirement;

(b) As in the past, the first chapter under every title will be assigned to the department's organizational rule and organizational charts. Chapter 2 will be assigned to the department's overall procedural rules. Thereafter, a department may begin the numbering of its chapters with number 3, 4, etc., running consecutively and reserving chapter numbers in areas where future growth is anticipated;

(i) Reserved chapter number(s) should be indicated in the title's chapter table of contents. A page will be placed in the ARM in the location that the reserved chapter(s) will fall. Refer to ARM 1.2.510 TYPING FORMAT FOR TITLE PAGE.

(c) It is not necessary to arrange the chapters in alphabetical order as practiced in the past. It is more important to organize the chapters so that the rules fall in a logical sequence with substantially related rules placed in chapter groups that follow each other;

(d) Chapters that contain rules common to the entire department should be listed first, i.e., centralized services;

(e) Divisions who have rule administering authority should be assigned chapter groups so that substantially related rules may be listed together;

(f) It is no longer necessary to assign a chapter to a division for the purpose of stating only where the division's rules are located. This will be indicated by the name of the chapter in the table of contents;

(g) A bureau may be assigned chapter(s) with its rules organized in subchapters according to related subject matter. In some instances, it may not be necessary to assign a chapter under the division's chapter;

(h) It is suggested that no chapters be assigned below the bureau level unless there is a particularly large group of rules being administered by a unit within the bureau. In this instance, a chapter may be assigned to a unit, however, it is recommended that the group of rules be placed in a subchapter of the bureau's or division's chapter.

(i) Chapters may be assigned to autonomous agencies who are attached to a department for administrative purposes only. They may be alphabetized and listed after the department's chapters.

(3) subchapters:

(a) Other than Chapter 1, chapters are broken down into subchapters which are placed in a logical sequence holding substantially related rules. They are given names according to subject matter areas and there may be up to 99 subchapters in 1 chapter.

(b) In the case of autonomous agencies, the first and second subchapters contain the agency's organizational rule and overall procedural rules respectively.

(c) A department may begin the numbering of its subchapters with number 1, 2, 3, etc., running consecutively and reserving subchapter numbers in areas where future growth is anticipated.

(i) Reserved subchapter numbers should be indicated in the chapter's table of contents and also where they will fall in the body of the chapter. Refer to ARM 1.2.512 TYPING FORMAT FOR CHAPTER PAGES BEGINNING WITH CHAPTER 2.

(4) rule

(a) An individual rule is known as a section and is identified by a three-part numbering system.

(5) paragraphs and subsections:

(a) Each rule is broken down into paragraphs and subsections which generally cover a single idea. Each paragraph and subsection should be designated. Refer to ARM 1.2.501.

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742; Eff. 12/29/78.)

1.2.203 BREAKDOWN OF THE CODE (BEFORE RECODIFICATION)

(1) The primary breakdown of the Administrative Rules of Montana is into titles. Title 1 includes all those rules which are of an explanatory and instructional nature with regard to the use of the code as a reference source.

(2) The remaining titles have been assigned to the various executive departments of state government which are or may in the future be subject to the provisions of the Montana Administrative Procedure Act. The title number assignments are based on the alphabetical sequence of the departments beginning with the number 2, and omitting every other number. The omitted numbers will be used subsequently when additional titles may be added to the code. A listing of the current title number assignments can be found in chapter 2, of this title, rule number 1.2.201.

(3) The secondary breakdown is from titles into sub-titles. Sub-titles are represented by numbers and are used to indicate to whom promulgating authority has been delegated. There are only three sub-titles and sub-title numbers used throughout the whole code. They are as follows:

(a) Sub-title 1, which is used to indicate that the attorney general and secretary of state have rule-making authority pursuant to their responsibility for compiling and revising the Administrative Rules of Montana.

(b) Sub-title 2, which is used to indicate that the respective executive departments have rule-making authority.

(c) Sub-title 3, which is used to indicate that certain agencies, assigned to a department for administrative purposes only, have their own autonomous rule-making authority, not subject to review of the department to which they have been assigned.

(4) The third breakdown is from sub-titles into chapters and sub-chapters. The first chapter in title 1 is the foreword to the code. Then beginning with titles 2, the first chapter under every title states the department's organizational rule. The second chapter under every title states overall procedural rules.

(a) The Executive Reorganization Act has provided a six unit structural hierarchy within each agency and has created agency units in terms of the various functions of the agency. The breakdown of the units is diagrammed as follows:

department autonomous agency
 assigned for administrative purposes

division (of the department)

bureau (of the division)

section (under the bureau)

unit (under the section)

[The text on this page is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text visible across the page. The content cannot be transcribed accurately.]

(b) Included among the functions of the various units is the responsibility for administering the various groups of rules and regulations adopted by the agency and assigned to the appropriate functional units.. In view of this organizational scheme, and for purposes of listing the rules in the code in such places as they most logically would be looked for, the code format follows the executive reorganization scheme. That is to say, all rules are listed under chapters and sub-chapters and the agencies have devised their chapters and sub-chapters by using their organizational and structural units. Thus for purposes of the code, where the agency has a particular division which has the responsibility for administering certain rules and regulations, then for purposes of the code that division has been assigned a chapter number and a chapter name, and such name corresponds with the name given to the division by executive reorganization. All divisions have not been assigned chapters, but rather only those which have rule administering responsibility. These divisions are assigned chapter numbers beginning with 6 and in their alphabetical order and by skipping by fours. Thus, the second division would be numbered chapter 10, and the third, chapter 14 and so forth.

(c) Note also that those agencies assigned to a department for administrative purposes only have assigned chapter names and numbers. They are listed under sub-title 3 and their chapter numbers begin following the last number of the last chapter assigned to a departmental unit. Where there are more than one such agency within a particular department, they are listed in alphabetical order under sub-title 3 with an alphabetization separate from the departmental alphabetical chapter order. Every such autonomous agency assigned to a department for administrative purposes only is assigned a chapter and has at least two sub-chapters and at least two rules. This is because the Administrative Procedure Act requires that they adopt an organizational rule, and rules of practice. The organizational rule is stated under sub-chapter 1, and the rule(s) of practice are stated under sub-chapter 2, and any substantive rules are listed in subsequent sub-chapters beginning with 6, 10, and so forth skipping by fours.

(d) In some isolated instances, a particular department may have a need to assign a chapter to a subject matter area of rules which may not be identifiable to a particular division or unit of the department. In such case, the department has assigned a chapter to such subject matter area. However, such chapter(s) are alphabetized with the chapters assigned to departmental units.

(e) In many instances, a particular division which has rule administering responsibilities, may have assigned such responsibilities to various units (bureaus, sections, units) within the division. For purposes of the code, these rules are listed in one of several ways:

(5) Where the rules listed under the various units are

particularly voluminous, then the respective units have been listed as chapters themselves. Thus, if a centralized services division has a number of rules which for purposes of the code it has been decided to list entirely under the various units of the division, then a chapter number has been assigned to the division, under which there is only one sub-chapter and one rule. This rule explains where the rules of the division are listed in the code. Then chapter numbers are assigned to the various units of the division under which the rules of the division are listed. Where chapters are assigned to bureaus under the division, then the bureaus are alphabetized and assigned chapter numbers which follow the Arabic number of the division. Where a particular bureau has rules which are administered by particular sections under the bureau, and where it has been decided that the rules of the bureau for purposes of the code should be listed under a particular section of that bureau, then there is a chapter assigned to that bureau and such chapter has one sub-chapter and one rule which explains under which chapter(s), section(s) the rules administered by the bureau are listed. Then a chapter is assigned to the appropriate section(s). The chapter number contains the Arabic number for the bureau, followed by upper case alphabetical letters, "A", "B", "C", etc. Should a particular section have rules which for purpose of the code it has been decided to list under a unit under the section, the rules must be enumerated in a block of numbers within the section's rules. No element below section level will be treated separately in the ARM. The above scheme for chapter number assignments to units of a department is diagrammed as follows:

<u>departmental unit</u>	<u>chapter number</u>
division	6
bureau	7,8,9,9.1,9.2, etc.
section	7A,7B,8A, etc.

(6) Where a particular division has listed its rules under various units of the division but has not found it necessary to make separate chapters out of the units, then such units are listed as sub-chapters to the division, and they are numbered beginning with "1", "2", "6" and so forth skipping by fours. The bureaus are listed first, followed immediately by any sections under such bureau to which sub-chapters have been assigned, and the sections are immediately followed by any units within a particular section to which sub-chapters have been assigned. The bureau sub-chapters appear in alphabetical order and any sections or units are also placed in alphabetical sequence. Using this scheme, there are no introductory rules to indicate how the rules of the division are listed.

(7) Where the rules of a particular division (chapter) are not listed according to the various units within the division, then the rules are listed under the chapter by sub-chapters devised and named according to subject matter areas. These sub-chapters are usually listed according to the alphabetical sequence of the sub-chapter names.

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(8) The fourth breakdown is from chapters and sub-chapters into sections. Each section comprises an individual rule which is located under a chapter and sub-chapter according to the subject matter of the rule. Each section or rule has its own identifying section number. The first symbol or symbols in the section number are the same symbol or symbols as were assigned for the chapter number of the chapter under which the section/rule falls. Then the section number is completed by Arabic numbers in a hundreds series. Where there are more than ten sections/rules in one chapter then the section number of the eleventh rule begins in a thousands series and where needed in some instances the section numbering has gone into a ten thousands series. The section numbering sequence proceeds by tens to allow for section number assignments by interpolation when new sections may be added.

(9) The final breakdown is sections/rules into subsections and paragraphs. The breakdown in this fashion is done pursuant to traditional outlining methods and according to natural subject matter groupings within one rule. The primary subsections under a rule are indicated by Arabic numerals in parenthesis beginning with the number 1. Such sub-sections when broken down further are indicated by lower case alphabetical letters, then lower case Roman numerals, and finally upper case alphabetical letters, all in parenthesis, and in that order. (History: Sec. 2-4-306 MCA; IMP Sec. 2-4-306 MCA, Eff. 12/31/72; AMD, 1977 MAR p. 1229, Eff. 12/24/77.)

1.2.204 POSITIONING OF CODE ITEMS (1) The total contents of the code appear in order as follows, however, sub-titles are being deleted from the Administrative Rules of Montana (ARM) format.

(a) Found only in title 1, following the title page, is inserted "How to Use the Administrative Rules of Montana and the Montana Administrative Register", followed by a chapter table of contents of all chapters found in title 1 through title 48.

(2) Other than the items listed above all titles have the following position of code items. (Each item has a rule describing the typing format under sub-chapter 5 of this chapter).

(a) title page - This page lists the name of the department, a table of contents indicating the number, name and beginning page number of each chapter in that title.

(b) "old to new" table - This table will indicate the title's old ARM rule number assigned before recodification and the new three part rule number assigned after recodification. It will also indicate the repealed rule numbers and effective date of repeal.

(c) chapter 1 page - This chapter is reserved for the department's organizational rule. Since this chapter contains only one rule, there is no table of contents or subchapters listed. It begins with the rule number, catchphrase, language of the rule and ends with the history of the rule.

(d) chapter 2 and remaining chapters - These chapters contain sub-chapters. The first page of each new chapter contains a sub-chapter table of contents indicating the rule number and the catchphrase of each rule in each subchapter.

(e) Cross reference table - This table follows the last chapter in the title and indicates the MCA authority and implementing authority for corresponding ARM rules and are both listed in ascending order.

(f) topical index - This index is inserted directly behind the cross reference table and is an alphabetical arrangement of all significant subject matter topics which are covered by the rules within the department. The topics are immediately followed by the rule number wherein the topic is located.

(History: Sec. 2-4-306 MCA; Eff. 12/31/72; AMD, 1977 MAR p. 1233 Eff. 12/24/77.)

The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors that have shaped the development of the United States, including the influence of the British, the Spanish, and the French. The author also discusses the role of the American people in the development of the country, and the importance of the American Revolution. The paper concludes by discussing the future of the United States, and the role of the American people in shaping that future.

The second part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors that have shaped the development of the United States, including the influence of the British, the Spanish, and the French. The author also discusses the role of the American people in the development of the country, and the importance of the American Revolution. The paper concludes by discussing the future of the United States, and the role of the American people in shaping that future.

The third part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors that have shaped the development of the United States, including the influence of the British, the Spanish, and the French. The author also discusses the role of the American people in the development of the country, and the importance of the American Revolution. The paper concludes by discussing the future of the United States, and the role of the American people in shaping that future.

The fourth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors that have shaped the development of the United States, including the influence of the British, the Spanish, and the French. The author also discusses the role of the American people in the development of the country, and the importance of the American Revolution. The paper concludes by discussing the future of the United States, and the role of the American people in shaping that future.

The fifth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present. The author then goes on to discuss the various factors that have shaped the development of the United States, including the influence of the British, the Spanish, and the French. The author also discusses the role of the American people in the development of the country, and the importance of the American Revolution. The paper concludes by discussing the future of the United States, and the role of the American people in shaping that future.

1.2.205 RULE TYPES, AND THEIR LOCATION (1) There are two categories of rule types. The first category states the type of rule in terms of its subject matter. Thus, all rules are either organizational, procedural, or substantive.

(a) Organizational rules are those which describe the structure of the department and the divisions of function therein. There is only one organizational rule for each department which is always stated in chapter 1 under each title. However, if any agency has been assigned to a department for administrative purposes only, then the board will have its own organizational rule, stated in its first sub-chapter. Where a board's organization has been delineated in the departmental organizational rule at the board's request, such is indicated by reference.

(b) Procedural rules are of various types including but not limited to the following. There are the procedures covered in the attorney general's model rules (rule-making, contested cases, declaratory rulings). There are guidelines for public participation. There are procedures for the formulation of environmental impact statements. These rules are always stated under chapter 2 of each title. Such rules are controlling for all units of a department, except agencies assigned for administrative purposes. Because of the autonomy of these agencies, they may state their procedural rules in their second sub-chapter. Where the board has elected to follow the departmental procedural rules, such is indicated by reference to the rules as stated in chapter 2 of the title.

(c) The substantive rules are all those rules which are not organizational or procedural and which come under the definition of rule as set down by the Montana Administrative Procedure Act.

(2) The second category types rules by their duration. That is, all rules are either permanent or emergency. All the initial and subsequent rules are permanent until and unless they are repealed. However, those rules which have been adopted subject to the emergency rules provision of the Administrative Procedure Act automatically expire 120 days after their effective date. An emergency rule is designated as such in the register. (History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA; Eff. 12/31/72; AMD; 1977 MAR p. 1229, Eff. 12/24/77.)

1.2.206 LOCATION OF RULE CHANGES (1) When changes are made to the code, then the existing page which is affected by the change has been redone to accommodate the change and the new page has been inserted in lieu of the old page. These changes will appear as follows:

(a) New titles, chapters, sub-chapters, and section/rules appear in the appropriate place of their respective table of contents, identified by their new symbols.

(b) The text of new rules appear within the text of the chapter in which the rule is included at the appropriate place of its interposition and falling between the two rules which appeared in sequence on the page before it was changed.

(c) An amendatory rule takes the same code number as the rule it has amended. It occupies the same place in the code as it did before its amendment. Only the amended form of the rule appears in the code as updated by the amendment.

(d) A rule which repeals an existing rule in its entirety takes the same code number as was assigned to the rule which has been repealed. Such repealing rule occupies the same place in the code as appeared the rule it repeals. Before recodification, a repealing rule consists only of the code number and a short statement that the rule, which had been stated therein, has been repealed. During recodification, repealed rules will be removed from the Administrative Rules of Montana by indicating on the "Old to New" numbering table, the rule number, the rule section page number in the Montana Administrative Register if repealed after July 1977, and the effective date of repeal. Thereafter, repealed rules will be removed from ARM during an agency's biennial review by indicating the same information as described above on a "Repealed Rule" table. As the "Old to New" table will be removed after the transition period of recodification is complete, the repealed rule listed on that table will be transferred over to the repealed rule table which will contain a permanent record of all repealed rules of ARM.

(2) Where an existing code page has been redone to accommodate a rule change, and such has been done on one page, then the page number for that page is the same as that which appeared on the superseded page. Where the nature of the change requires more than one replacement page, then the additional pages are indicated as such by the page number of the superseded page followed by a decimal and an Arabic numeral beginning with 1, and continuing in page number order for each additional page. In addition, all changed or new pages have a publication date of the replacement page issue. When an agency is preparing a replacement page, it should check with the secretary of state's office for the date of the next issue of replacement pages for this item. This date appears at the bottom of each replacement page between the code name and the page number. Reference to a repealed rule or to a prior form of an amended rule would be made by reference to the page number and issue number date of publication of the page which has been superseded.

Where a repealing rule has eliminated a page or pages; the following pages have not been re-numbered. Rather, the page numbers of the eliminated pages are also eliminated.

(3) The secretary of state's office suggests that code subscribers maintain a system for preserving superseded pages in an orderly fashion at least until after recodification has been completed. If such pages are not available, they may be found in the permanent records of the office of the secretary of state by reference to the page number and publication date of the superseded page. Note that all initial pages of the code will have no publication date and as such will be identifiable as initial pages. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306; MCA; Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.211

1.2.211 MODEL RULES: LOCATION AND INCORPORATION BY REFERENCE

(1) The attorney general of the state of Montana has developed model organization and procedural rules which have been recommended to the departments. These model rules are stated in their entirety under chapter 6 of this title. Where a department has adopted the model rules for its own procedural rules, such is indicated under the department's procedural rules section in sub-chapter 1 of its chapter 2.

(2) If the department chooses to adopt the attorney general's rules verbatim then such rules need not be stated verbatim. Rather, this type of adoption may be noted simply by stating in the first section/rule under chapter 2, that "The Department of _____ adopts the attorney general's model procedural rules, _____ through _____ and all subsequent amendments to the model procedural rules, and incorporates herein those rules by reference."

(3) However, it is contemplated that a particular law may require a variation from the procedural rule set down by the model rules. If such is the case, then such variation should be noted and explained in the form of a subsection to the model procedural rule from which it varies.

(4) And as mentioned above, if the department adopts the attorney general's procedural rules, but with slight variations, then this can be noted by stating, in a rule under chapter 2, sub-chapter 1, that; "The Department of _____ has herein adopted and incorporated the attorney general's model procedural rules--with the following exceptions thereto: (1) (subsection) The attorney general's model rule _____, is modified in that". In this regard be sure and clearly state which model rule is being modified and be sure and state the law (statute) which requires the modification. (History: Sec. 2-4-202 MCA; IMP 2-4-202 MCA; Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77.)

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the study of history is not only a means of satisfying a natural human curiosity but also a way of gaining insight into the human mind and the human condition.

2. The second part of the paper deals with the question of the role of the individual in history. It is argued that the individual is not a passive recipient of the forces of history but an active participant in the process. The author points out that the actions of individuals can have a profound effect on the course of history and that the study of history should be concerned with the actions of individuals as well as with the forces of history.

3. The third part of the paper discusses the question of the value of history. It is argued that the study of history is not only a means of satisfying a natural human curiosity but also a way of gaining insight into the human mind and the human condition. The author points out that the study of history is not only a means of satisfying a natural human curiosity but also a way of gaining insight into the human mind and the human condition.

1.2.212

1.2.212 NEW RULE NUMBERING METHOD FOR THE ADMINISTRATIVE
RULES OF MONTANA

(1) During 1979, the Administrative Rules of Montana will be recodified and rules will be given shorter, simpler numbers. A three-part identifier will be used with each part separated by decimal points. Ex: 44.2.101. The first part, "44" is the title number assigned to the department under which the rule is located. The second part, "2", is the chapter number under which the rule falls. The first one or two digits in the third part, "1" represents the subchapter number under which the rule is located. The last two digits, "01", represent the individual rule number.

(2) Since the first two parts of the rule number are self-explanatory, the following example will explain how the third part of the rule identifier is set up.

(a) The first one or two digits of part 3 of the identifier represent the subchapter under which the rule falls.

Ex: 44.2.101 First subchapter in chapter 2
44.2.9901 Last possible subchapter in chapter 2

101 Digit "1" is the subchapter. The subchapter numbers may run consecutively and if necessary numbers reserved for future growth. Indicate reserved subchapter numbers in chapter's table of contents and in the area where the subchapters will fall in ARM. There may be from 1 to 99 subchapters in one chapter. If there are more than 99 subchapters in one chapter, a new chapter would be assigned in that area.

9901 Digits "99" represent the last possible subchapter in a chapter.

(b) the last two digits of part 3 of the identifier represents the individual rule number.

Ex: 44.2.101 Digits "01" represent the first rule in a subchapter. "0" must be placed before digits 1 through 9 so that there will always be 2 digits represented. Rule numbers may run consecutively, and if necessary, rule numbers reserved for future growth. Indicate reserved rule numbers in the chapter's table of contents and in the area where the rules will fall in ARM. There may be from 1 to 99 rules in one subchapter. If there are more than 99 rules in one subchapter, a new subchapter would be assigned in that area.

44.2.199 Digits "99" represent the last possible rule in a subchapter.

Ex: 44.2.101 "44" represents the title
 "2" represents the chapter
 "1" represents the first subchapter in
 chapter 2
 "01" represents the first rule in subchap-
 ter 1

Ex: 44.2.9999 "44" represents the title
 "2" represents the chapter
 "99" represents the last possible subchap-
 ter number in chapter 2
 "99" represents the last possible rule in
 subchapter 99

(c) A department's organizational rule will be:

(title).1.101
 | | |
 | | 4 first rule number
 | | | first subchapter
 | | | chapter

(d) A department's procedural rules will begin:

(title).2.101
 | | |
 | | 4 first rule number
 | | | first subchapter
 | | | chapter

(e) In spacing groups of rules within a subchapter, it is recommended that if a group of rules is likely to undergo expansion, succeeding groups of rules should start with the next number divisible by 10 plus 1. In other words, it is not a requirement that there be a gap between related rules or groups and other related rules. Gapping should be used as the need arises. For example, if there are to be two groups of rules in a subchapter, and there are seven rules in the first group, the numbering would be as follows: 69.3.201--69.3.207, 69.3.211--. The second group of rules within chapter 3, subchapter 2, begin with 11, the next number after 7 that is divisible by 10 plus 1. If there were 8 or more rules in the first group (69.3.201--69.3.208) it would normally be advisable to skip to 21 to begin the second group, in order to allow necessary room for growth. It may also be advisable to skip from 7 or 6 to 21, or even 31, if considerable growth is anticipated in that area. The agency's past experience will help determine the number of spaces to be left open for expansion.

The following is an example of how to change existing rule numbers over to the new simplified numbering system:

1. The first part of the report is a general introduction to the project.

2. The second part of the report is a detailed description of the methodology used.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and recommendations.

5. The fifth part of the report is a list of references.

6. The sixth part of the report is a list of appendices.

7. The seventh part of the report is a list of figures and tables.

SIMPLIFICATION OF RULE/SECTION NUMBERS; e.g. 46-2.10(18)-S10010

(i) Eliminate the "-2" or "-3" immediately following the title so that title and chapter are separated by a decimal point.

46.10(18)-S10010

(ii) Eliminate the subchapter and the parenthesis around it. Reinsert later.

46.10-S10010

(iii) Eliminate the hyphen and insert a decimal point in its place.

46.10.S10010

(iv) Eliminate the "0", "p" or "S" in front of the final set of digits.

46.10.10010

(v) Shorten the final set of digits by eliminating the first number or numbers which represent the chapter number. In its place insert the subchapter number which had appeared in the parenthesis in the old numbering system. Subchapter numbers begin with number 1, the maximum being number 99.

46.10.18010

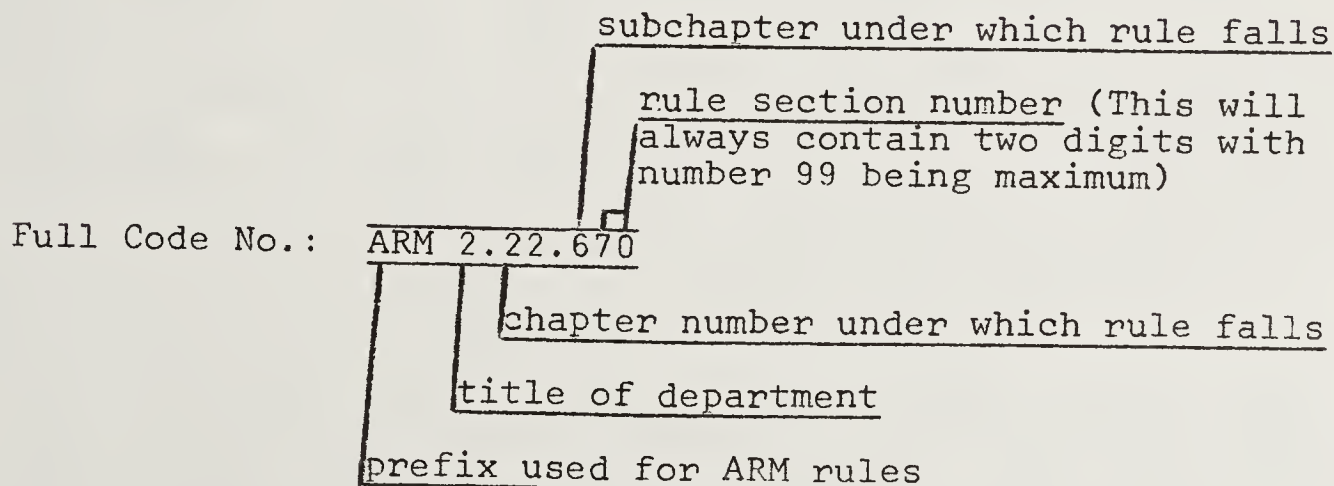
(vi) Change the section/rule number. In the past these progressed by tens. In the new numbering system the section/rule numbers will run from 01, 02, 03---10, 11, 12---up to and including 99 with numbers reserved where agencies anticipate growth.

46.10.1801

Simplified numbering method:

Before recodification: ARM 2-2.22(6)-S2270

New method: ARM 2.22.670



(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps involved in the accounting cycle, from identifying the transaction to posting it to the appropriate ledger account.

3. The third part of the document discusses the role of the auditor in verifying the accuracy of the records. It describes the various techniques used by auditors to test the reliability of the data and to ensure that the financial statements are presented fairly.

4. The fourth part of the document addresses the issue of internal controls. It explains how a well-designed system of internal controls can help to minimize the risk of error and to ensure that the organization's assets are protected.

5. The fifth part of the document discusses the importance of transparency and accountability in financial reporting. It argues that organizations should be open and honest about their financial performance and should provide clear and concise information to their stakeholders.

6. The sixth part of the document discusses the role of the government in regulating the financial system. It describes the various laws and regulations that govern the behavior of financial institutions and the consequences of non-compliance.

7. The seventh part of the document discusses the importance of ethical behavior in the financial industry. It argues that financial professionals should always act in the best interests of their clients and should avoid any conflicts of interest.

8. The eighth part of the document discusses the role of the media in financial reporting. It describes how the media can help to disseminate financial information and to hold financial institutions accountable for their actions.

9. The ninth part of the document discusses the importance of ongoing education and training for financial professionals. It argues that the financial industry is constantly evolving and that professionals must stay up-to-date on the latest developments.

10. The tenth part of the document discusses the importance of collaboration and communication among financial institutions. It argues that working together can help to improve the efficiency of the financial system and to reduce the risk of systemic failure.

1.2.213 CODE NUMBERING OF RULES (BEFORE RECODIFICATION)

(1) The subsections below explain the old numbering method for rules placed in the Administrative Rules of Montana. This rule will remain in ARM for the user's information until the new numbering method explained in ARM 1.2.212 has been adopted by all agencies and the transition period for converting to the new numbering method is completed.

(2) Every code section/rule has been assigned what is called a code number. Such number is an instant identification of the location and nature of the rule. The code number is made up of six or seven positions, each of which is occupied by a symbol made up of numbers and/or letters. The first position symbol indicates that rule is part of the ARM. The second position symbol indicates under which title the rule is located. The third position symbol indicates under whose authority the rule was promulgated. The fourth position indicates under which chapter the rule falls. The fifth position symbol indicates under which sub-chapter the rule falls. The sixth position symbol indicates the type of the rule. The seventh position symbol indicates the section number assigned to the rule.

(3) The first digit will always be the number which corresponds with the number of the chapter under which the rule falls, and the first rule under that chapter will begin in a hundreds series. For example, the section number for the rule in Chapter 1 would be 100 and the first rule in Chapter 2 would have 200 as its section number and so forth. Then in each chapter the rules shall progress by tens. That is, the second rule under Chapter 2 would have the section number of 210, and the third 220 and so forth. Should there be ten or more rules in one chapter, then the section number will move into four digits and in Chapter 2, for example, the 10th and 11th rules would be 2000 and 2010. Likewise, the 21st and 22nd section numbers would be 2100 and 2110. The reason for skipping by tens is to facilitate the assignment of section numbers when sections are added later.

(a) It may be noticed that the first section of Chapter 20 will have the same section number as the 10th section of Chapter 2 and this repetition will recur. However, the repetition of section numbers should cause no confusion because the chapter numbers will always be different.

(b) Note also that the section numbers under any one chapter and its sub-chapter shall continue to progress by tens until the last section under that chapter is stated. This is, in Chapter 2 for example the 6th rule which happens to fall under Sub-chapter 2 would have a section number of 250. Then if after this rule another sub-chapter begins, the first rule thereunder would take the next section number after the last, which would be 260. The first section number under a new sub-chapter would not go back to 200.

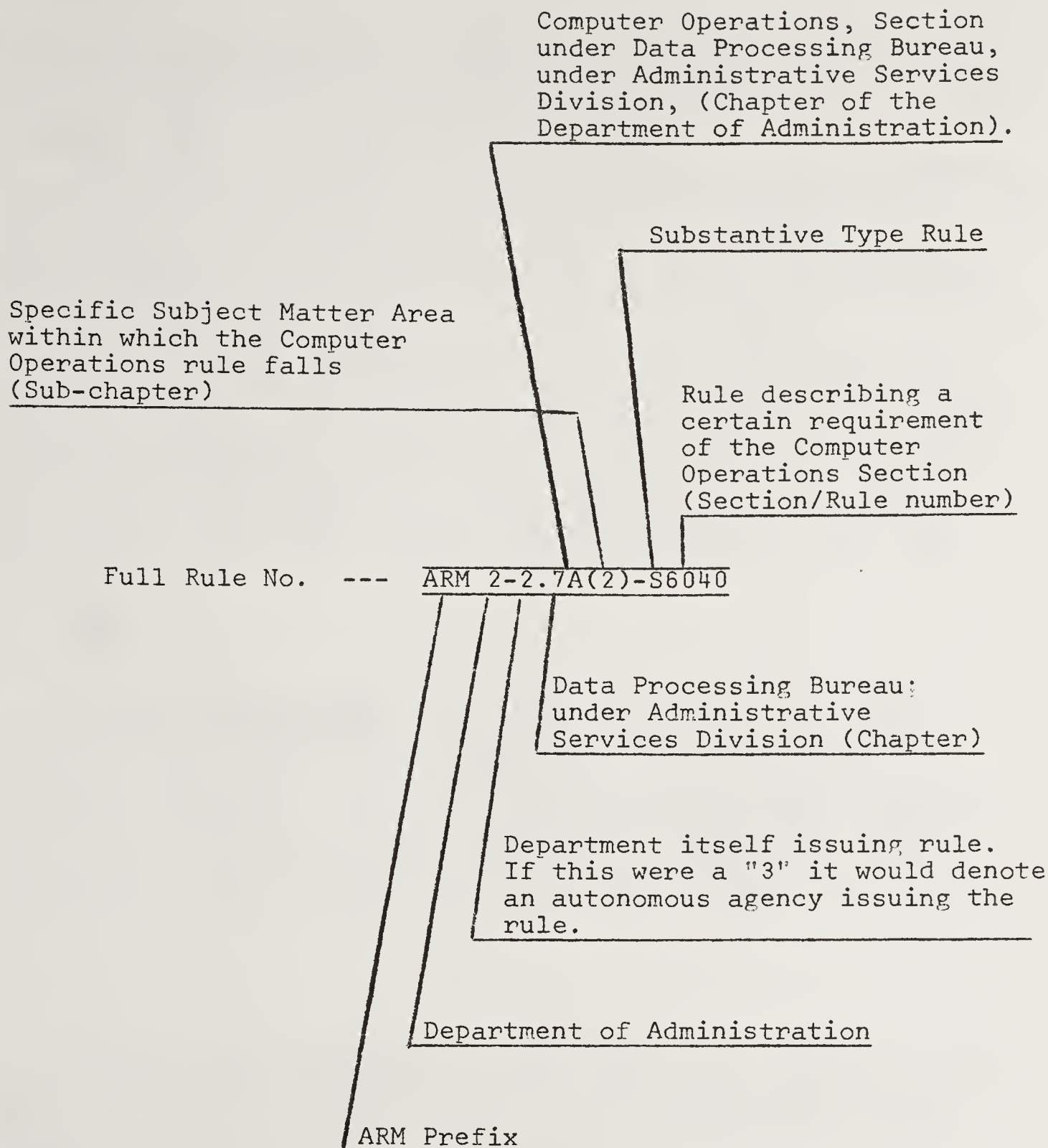
(4) The appropriate symbols for each of the above positions have been assigned pursuant to the methods discussed in ARM 1.2.203 BREAKDOWN OF THE CODE (BEFORE RECODIFICATION).

(a) The code number symbol representation scheme is diagrammed on the following page.

The first part of the paper discusses the importance of the study and the objectives of the research. It then proceeds to a literature review, followed by a description of the methodology used. The results of the study are presented in the next section, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

Example:

1.2.213



1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order.

2. The second part of the document is a list of the topics that were discussed at the meeting. The topics are listed in alphabetical order.

3. The third part of the document is a list of the actions that were taken at the meeting. The actions are listed in alphabetical order.

4. The fourth part of the document is a list of the decisions that were made at the meeting. The decisions are listed in alphabetical order.

5. The fifth part of the document is a list of the recommendations that were made at the meeting. The recommendations are listed in alphabetical order.

6. The sixth part of the document is a list of the conclusions that were reached at the meeting. The conclusions are listed in alphabetical order.

7. The seventh part of the document is a list of the suggestions that were made at the meeting. The suggestions are listed in alphabetical order.

8. The eighth part of the document is a list of the proposals that were made at the meeting. The proposals are listed in alphabetical order.

9. The ninth part of the document is a list of the resolutions that were passed at the meeting. The resolutions are listed in alphabetical order.

10. The tenth part of the document is a list of the minutes that were taken at the meeting. The minutes are listed in alphabetical order.

(5) As was explained in ARM 1.2.203 BREAKDOWN OF THE CODE (BEFORE RECODIFICATION), code rules or sections may be broken down into subsections indicated by numbers and letters in parenthesis. Note that these subsection designations are not represented in the code number of a section/rule.

(6) Note that some code numbers contain only six positions. These will always be the code numbers for the organizational rule because this is the only rule in every first chapter, and as such there is no need for sub-chapters. Then beginning with every chapter 2, there will always be at least one sub-chapter and thus every rule stated thereafter will have a sub-chapter number in the code number.

(7) Note that in most cases in the code, the code name abbreviation, ARM, in the first position has been omitted from the code number. The only time this first position will appear with the code number is when reference is made to a code rule appearing elsewhere in the code, or when a document or writing outside the code refers to a rule found in the code. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA, Eff. 12/31/72; AMD, 1977 MAR p. 1229, Eff. 12/24/77; AMD, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.214 CATCHPHRASES (1) The catchphrases are short phrases which summarily describe the contents of a particular section/rule. These catchphrases are found in the section table of contents and directly precede the statement of the section/rule itself. They are to be used as a quick reference for ascertaining the subject matter of a particular section. Refer to 1.2.504 for typing instructions. (History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA; Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.215 OUTLINE FORM (1) A rule is more readily referred to and more easily amended if broken down into sections and subsections. Each paragraph should be given a section or subsection designation using the following outline order. Refer to ARM 1.2.501 for typing instructions.

(1)(2)(3); (a)(b)(c); (i)(ii)(iii); (A)(B)(C); (I)(II)(III)

(History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.216 SECTION HISTORY NOTES (1) Following the text of each section there is a notation which indicates the legislative history of that section. For the initial rules, such notations contains the following four items:

(a) a citation to the authority under which the section was adopted and session law or MCA section being implemented;

(b) the administrative order under which the rule was promulgated and certified to the secretary of state, which is indicated by an order number;

(c) the date that the rule was adopted by the department, which is indicated by the appropriate Arabic numerals, with reference to month, day and year in that order; and

(d) the date the rule became effective, again, indicated by the appropriate Arabic numerals.

(2) It has been determined that certain history notes during the period of 1973-1977 contained unnecessary information. OMIT the following from history of a rule when recodifying:

(a) all references to notice numbers (Not. No.);

(b) all references to Order MAC No.;

(c) adoption date (Adp.).

(3) Continue to use the following abbreviations:

(a) NEW - denotes a new rule;

(b) AMD - denotes an amendment to a rule;

(c) REP - denotes a rule is repealed;

(d) TRANS - denotes rule is transferred by legislative action or transferred to a different chapter within a title. (If no substantive change has been made in the rule, transferred rules need not be noticed.)

(4) A new simplified history will contain the following:

(a) statutory authority citation (cited MCA without periods between initials and no year date shown);

(b) session law or MCA section being implemented, IMP, (cited MCA without periods between initials and no year date shown);

(c) all action taken on a rule before July 1977, omitting the history notes that are listed in (2) above;

(d) beginning with issue no. 7 of the Montana Administrative Register, dated July 25, 1977, for each action taken on a rule, add the page number of the rule section in the MAR on which the rule began, followed by the effective date;

(e) follow punctuation shown below:

Ex: (History: Sec. 46-2-303 MCA; IMP, 46-2-308 MCA, Eff. 12/31/72; AMD, Eff. 6/3/76; AMD, Eff. 8/8/76; AMD, 1978 MAR p. 212, Eff. 5/26/78; AMD, 1978 MAR p. 314, Eff. 7/13/78; REP, 1978 MAR p. 717, Eff. 10/21/78.)

(5) Transferred rules are rules which have either been transferred, as part of a change in statutory authority, from one agency to another, or been moved from one location in the agency's portion of the code to another. In either case, the action does not require notice or opportunity for hearing, as long as there is no substantive change in the text of a

transferred rule. The effective date of a transfer is the date the replacement page reflecting the transfer is published. The only other item shown in a transfer note is the legislative action directing an inter-agency transfer. Examples: TRANS, c. 285, L. 1977; Eff. 7/26/77, or TRANS, Eff. 3/26/78. The latter is an intra-agency transfer. The full history would carry forward the simplified history from the old rule including citation of MCA section number.

(6) Where the rule change is made pursuant to the emergency rule provision of the Montana Administrative Procedure Act, the history would contain the already existing history if the rule is being amended or repealed, adding the emergency information, i.e., EMERG, AMD, EMERG, REP, followed by the effective date.

Ex: (History: Sec. 46-2-114 MCA; IMP, 46-2-117 MCA; Eff. 12/31/72; AMD, 1978 MAR p. 117, Eff. 7/13/78; EMERG, AMD, 1978 MAR p. 516, Eff. 8/16/78.)

If it were an emergency new rule the history would read:
(History: Sec. 2-2-306 MCA; IMP, Sec. 2-4-309 MCA; EMERG, NEW, 1978 MAR p. 717, Eff. 10/30/78.)

(History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA; Eff. 12/31/72 AMD, Eff. 7/1/74; AMD, 1977 MAR p. 1233, Eff. 12/24/77; AMD, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.217 PAGE NUMBERING SYSTEM (1) Every page of the code has a page number. For each title of the code, the pages containing the rules are numbered in order. Each number is preceded by the title number under which the page falls. Thus, the first page for the Department of Livestock would be numbered 32-1, the second page 32-2, the fifty-fifth page 32-55, etc.

(2) During recodification an agency has the opportunity to renumber its pages. An agency's previous experience will be helpful in reserving page numbers where growth has been steady in the past. If chapter numbers have been reserved in one area, then page numbers should also be reserved in that area. If a block of numbers is reserved, the last printed page before the reserved numbers should have the wording "NEXT PAGE IS ____". This would indicate the page number of the first printed page following the reserved numbers. In this way, all pages in ARM will be accounted for.

(3) If there is a need to add supplemental pages the following outline should be used:

When supplemental pages are needed then the supplemental pages will take the same page number with the addition of a decimal point and the number 1, 2, 3, etc. such as: (Example: 46-74.1, 46-74.2, 46-74.3 and so on).

When there is need for additional pages between 46-74.1 and 46-74.2 then the pages should be numbered as: (Example: 46-74.1, 46-74.1A, 46-74.1B and so on).

When additional pages are needed between pages 46-74.1A and 46-74.1B they should be numbered as: (Example: 46-74.1Aa, 46-74.1Ab, 46-74.1Ac and so on).

When additional pages are needed between pages 46-74.1Aa and 46-74.1Ab they should be numbered as: (Example: 46-74.1Aaa, 46-74.1Aab, 46-74.1Aac and so on). (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA, Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77; AMD, 1978 MAR p. 1742, Eff. 12/29/78.)

The first part of the paper discusses the importance of the study and the objectives of the research. It then goes on to describe the methodology used in the study, including the data collection and analysis techniques. The results of the study are then presented, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

The second part of the paper discusses the importance of the study and the objectives of the research. It then goes on to describe the methodology used in the study, including the data collection and analysis techniques. The results of the study are then presented, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

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1.2.218 TABLE OF CONTENTS, CROSS REFERENCE TABLE, TOPICAL INDEX (1) Where a new rule has been adopted, amended, or an existing rule has been repealed by agency action, the agency must submit a new replacement page reflecting any changes that should be included in the title chapter table of contents, chapter table of contents, cross reference table or topical index. These pages must be submitted along with the new rule, amended rule or repealed rule for publication as replacement pages.

(2) If a rule is amended, there is no need to submit the new pages listed above, unless there has been a change in the catchphrase, a new citation to the MCA which should be included in the cross reference table or a new key word which should be included in the topical index.

(3) Title table of contents page: Contains all the chapters found in the title, indicating number, name and beginning page number of chapter.

(4) Chapter table of contents: Contains names and numbers of all subchapters, and a listing of each rule found in each subchapter indicating rule number and catchphrase.

(5) Cross reference table - Every department shall prepare a cross reference table which will give a quick indication of where the code sections from the Montana Code Annotated may be found, (interpreted, summarized or implemented) in the administrative rule portion for each department. This table will include the MCA sections which are authority for a corresponding ARM rule and the MCA sections which have a corresponding ARM rule which interprets or implements the MCA section. Refer to ARM 1.2.514 for typing instructions.

(6) Topical index: Each department is responsible for preparing a topical index for its title. This index is an alphabetical arrangement of all significant subject matter topics which are covered by the rules under the department's title. This index must be very thorough and precise because it is the primary means by which a person unfamiliar with the rules will be able to find the rule which deals with the subject matter in which he is interested. It is suggested that a good point to start in compiling the index and selecting the alphabetical topics should be to refer to chapter, subchapter names and the catchphrases for the key words as guides to topics for the index. The words for topics should be chosen with an eye to which word in the rule the average user would look for first in an alphabetical index when he is trying to locate a rule. (History: Sec. 2-4-306; IMP, 2-4-306 MCA; NEW, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.301 RECODIFICATION OF THE ADMINISTRATIVE RULES OF MONTANA (ARM) (1) Prior to July 1, 1980, agencies shall recodify all the rules of a general and permanent nature appearing in the ARM, prepare them for publication and refile them in correct format and style with the secretary of state. The following changes will be accomplished during recodification:

Language in quotation marks is taken from Senate Bill 164, Chapter 600, Laws of 1979.

(2) 'Recodify' means to compile, rearrange, and prepare for publication. It includes without changing the meaning, effect, or intent of any rule:

(a) correcting or changing punctuation, capitalization, spelling, or grammatical construction and numbering as required by uniform literary and rule-drafting practice;

(b) substituting the appropriate MCA reference for reference to a section of, to a chapter of, or to an entire division of the R.C.M.;

(c) substituting the calendar date for 'effective date', 'hereafter', and similar terms;

(d) creating new titles, chapters, subchapters, sections, or other divisions of ARM;

(e) changing or creating catchlines to clearly reflect the content of the section;

(f) changing or inserting language as made necessary because of rearrangement;

(g) eliminating redundant words;

(h) when given direction or authority by a statute or another ARM section, correcting inaccurate or obsolete references to:

(i) titles of officers or agencies, such as those changed by executive reorganization statutes or subsequent interagency reorganizations;

(ii) other ARM or R.C.M. sections, such as those which have been repealed or repealed and replaced;

(i) changing inaccurate terminology to comply with statutory or rule definitions or short-form amendments;

(j) renumbering all ARM rules in the new three-part numbering system;

(k) eliminating unnecessary information in the history of ARM rules:

(l) reserving blocks of page numbers in ARM where growth has been consistent in the past or future growth is anticipated;

(m) providing the secretary of state with an 'old to new' numbering table to be filed in front of each title;

(n) removing all repealed rules from ARM and listing them on the 'old to new' numbering table."

(3) 'The effective date of the recodification is the date of the replacement page issue.'

The first part of the paper discusses the importance of maintaining accurate records of all transactions. It is essential for the company to have a clear and concise record of all financial activities, including sales, purchases, and expenses. This will allow the company to track its performance over time and identify areas for improvement.

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(4) Effect of recodification and refiling. The rules in ARM that are recodified and refiled pursuant to Rules 1.2.301, 1.2.311, 1.2.312, 1.2.341 "shall be given effect as a continuation of the rules in ARM as they exist on April 20, 1979, and not as a new adoption. A rule that is invalid, in whole or in part, on "April 20, 1979 is not rendered valid by the process of recodification and refiling." (History: Chapter 600, Laws of 1979; NEW, 1979 MAR p. Eff. 6/29/79.)

1.2.311 SCHEDULE FOR SUBMITTING RECODIFIED PAGES (1) Due to the volume of existing pages involved in recodifying the Administrative Rules of Montana (ARM), "the secretary of state will set a schedule requiring an agency to recodify and refile its rules in chapter increments and prescribing the number of recodified pages to be submitted by each agency to the secretary of state at each scheduled date for replacement pages during the period beginning April 20, 1979, and ending on July 1, 1980."

(2) "Each agency shall submit a schedule to the secretary of state listing the chapter names, chapter numbers and page numbers in its title that will be recodified and refiled to meet the requirements" listed in paragraph (1), above.

(3) (a) Due to the time constraint placed on recodification of the Administrative Rules of Montana by July 1, 1980, by Senate Bill 164, Chapter 600, Laws of 1979, at least a portion of the existing pages of each title must be recodified and refiled by the first replacement date scheduled June 30, 1979.

(b) Chapter 1, which contains each department's organizational rule and charts, has been chosen to begin the recodification process. This chapter contains only one rule which is numbered (title no.).1.101 and the beginning page number is (title no.)-1. It must be updated, recodified and refiled with the secretary of state by June 30, 1979, or earlier.

(4) If an agency has recodified other pages in chapter(s) increments, they may be refiled by June 30, 1979, or earlier, however they will not be printed until July, 1980.

(5) Early in August, 1979, the secretary of state will forward the person serving as a liaison from each department, a form stating the number of pages expected to be recodified and refiled by that department by September 30, 1979. This form must be certified and returned by August 30, 1979, with the input from that department as to the chapter numbers, chapter names and number of pages that were chosen to be recodified and refiled to meet the requirements listed on the form. This will be the procedure followed for each replacement page date scheduled as listed below.

Date form to be returned by
designated person

Date recodified pages due to be
refiled with secretary of state
or earlier.

May 31, 1979
August 31, 1979
November 30, 1979
February 29, 1980
May 31, 1980

June 30, 1979
September 30, 1979
December 31, 1979
March 31, 1980
June 30, 1980 (last replacement
date to complete recodifica-
tion)

(7) After the organizational rule is recodified and refiled by June 30, 1979, the number of pages prescribed for the remaining four replacement page dates, will be approximately one-fourth of each department's existing pages.

[The text in this section is extremely faint and illegible, appearing as a series of horizontal lines.]

(8) All recodified pages will be accompanied by a recodification order which will indicate the old rule number, the new rule number and the catchphrase. This order will serve as a checklist for the secretary of state to account for every rule in each title.

(9) All recodified pages will be held in the secretary of state's office until recodification is complete. They will be sent to the printer in July 1980 and upon return, each subscriber will receive a completely assembled recodified set of ARM. (History: Chapter 600, Laws of 1979, NEW, 1979 MAR p. Eff. 6/29/79.)

1.2.312 VALIDITY OF RULES IF PAGES SPECIFIED ON AGENCY'S SCHEDULE ARE NOT SUBMITTED BY DATE SPECIFIED (1) The schedule that an agency submits to the secretary of state's office which indicates the chapter names, chapter numbers and page numbers in its title that will be recodified and refiled by a specified date will serve as a checklist to determine if all chapter names, chapter numbers and page numbers are so recodified and refiled by that specified date.

(2) The validity of the rules that are not refiled by the scheduled date is suspended on that date. Such suspended rules may be recodified and refiled with the secretary of state by the next scheduled replacement page date, and if so recodified and refiled they become valid and effective on that date. If such suspended rules are not so recodified and refiled by that date, they are permanently invalid and may be revived only by fulfilling all requirements of the Montana Administrative Procedure Act relating to rulemaking in the same manner as new rules proposed for adoption." (History: Chapter 600, Laws of 1979, NEW, 1979 MAR p. Eff. 6/29/79.)

1.2.321 OLD TO NEW NUMBERING TABLE (1) It will be necessary for each agency to submit an "Old to New" Numbering Table which indicates the old ARM rule number assigned to a rule before ARM recodification and the new three-part number assigned to that rule after ARM recodification.

(2) The rule numbers of the repealed rules which have been removed from ARM during recodification will also be listed on this table indicating the rule number and the date the rule was repealed.

(3) The numbers for rules transferred to another department will be listed on this table.

(4) Refer to ARM 1.2.513 TYPING FORMAT FOR "OLD TO NEW" TABLE. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1979 MAR p. 156, Eff. 2/16/79.)

1.2.331 REMOVAL OF REPEALED RULES FROM ARM (1) Repealed rules may be removed from the Administrative Rules of Montana during recodification. To accomplish this, remove the rule number, catchphrase and history of the rule from its location in the body of rules. The rule number and catchphrase should also be removed from the chapter table of contents. Then the rule number should be placed in order on the "Old to New" table that is set up to list the originally assigned rule number to the new simplified shorter rule number.

(2) After recodification, repealed rules will be removed during an agency's biennial review. At that time, they will be listed on a "Repealed Rule" table, which will be a permanent page in ARM.

(3) Refer to ARM 1.2.513 TYPING FORMAT FOR OLD TO NEW TABLE. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.3.341 OFFICIAL REPORT OF THE RECODIFICATION OF TITLE

(1) "Prior to September 1, 1980, each agency shall prepare and submit to the secretary of state a report which must be certified by the agency as the Official Report of the Recodification of Title. The report must explain and indicate, in tabular or other form, all changes made during recodification, other than the changes listed in 1.2.301 (2)(a) through (e) and (2)(j) through (n) to clearly indicate the character of and rationale for each change.

(2) The report must be made available by the secretary of state on request and at a fee set by Sec. 2-6-103 MCA.

(History: Chapter 600, Laws of 1979; NEW, 1979 MAR p. Eff. 6/29/79.)

1.2.401 PROCEDURES FOR FILING OF THE INITIAL RULES, NEW RULES AND RULES AMENDING OR REPEALING PRIOR RULES (1) Sec.

2-4-305 MCA of the Montana Administrative Procedure Act sets down certain required procedures for adopting the initial rules and for making changes thereto. And since the secretary of state is charged with the responsibility of recording these changes, the purpose of this rule is to explain the format which the secretary of state requires the departments to follow in their preparing and filing of the initial, new and amended rules and in the repeal of prior rules. Again, the purpose is to facilitate the insertion of the initial rules and subsequent changes thereto, into the Administrative Rules of Montana.

(2) It is important to note that the procedures for adopting and filing the initial rules are different from the procedures for making rule changes after December 31, 1972. That is to say, Sec. 2-4-305 MCA, regarding notice and hearing requirements for adopting and amending rules, applies only to those rules adopted or amended subsequent to the effective date of the Act...12/31/72. In other words, the time before December 31, 1972, was in effect a grace period wherein all rules adopted were exempt from the notice of adoption and hearing requirements. All of the rules adopted therein make up the initial code, and such rules became effective on December 31, 1972.

(a) If at some future date a grace period may be provided for a newly included agency under the MAPA within which to file their initial rules without going through the notice procedure and assuming that a new deadline will be set for filing initial rules, the newly created agency shall use the same procedures, following the same instructions, for such initial filing as were used by the initially included agencies. Such a grace period was given to the departments of administration and institutions, and the superintendent of public instruction in 1977.

(3) The following procedures shall be adhered to for all those rules which will be adopted by the departments after December 31, 1972:

(a) As has been explained in the Montana Administrative Procedures Act and in the attorney general's model rules, the departments and agencies assigned thereto for administrative purposes must give public notice of their intention to adopt, amend or repeal any rule after the deadline for submitting initial rules. The contents of the notices are as prescribed by the MAPA and the attorney general's model rules. The forms for the notices will be as set down in the attorney general's model rules. All notices will be signed in the position designated by the model notice forms. Each form will be signed by the head of the department (or by the chairman of the governing board). In the case of a notice issued by an agency assigned for administrative purposes, the head of that agency (or chairman of the governing board) will sign. If the department head or the chairman of the governing board is unable to sign, a letter must be filed with the secretary of state authorizing who may sign for them. A stamped signature must not be used. The department

The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is not only one of the most important but also one of the most difficult in the history of science. The author points out that the problem has been discussed since the beginning of time, but it is only in the last few decades that it has become a subject of serious scientific investigation.

The second part of the paper is devoted to a detailed discussion of the chemical evolution of life. It is shown that the chemical evolution of life is a process that has been going on since the beginning of time. The author points out that the chemical evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The third part of the paper is devoted to a detailed discussion of the biological evolution of life. It is shown that the biological evolution of life is a process that has been going on since the beginning of time. The author points out that the biological evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The fourth part of the paper is devoted to a detailed discussion of the social evolution of life. It is shown that the social evolution of life is a process that has been going on since the beginning of time. The author points out that the social evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The fifth part of the paper is devoted to a detailed discussion of the cultural evolution of life. It is shown that the cultural evolution of life is a process that has been going on since the beginning of time. The author points out that the cultural evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The sixth part of the paper is devoted to a detailed discussion of the spiritual evolution of life. It is shown that the spiritual evolution of life is a process that has been going on since the beginning of time. The author points out that the spiritual evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The seventh part of the paper is devoted to a detailed discussion of the physical evolution of life. It is shown that the physical evolution of life is a process that has been going on since the beginning of time. The author points out that the physical evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The eighth part of the paper is devoted to a detailed discussion of the mental evolution of life. It is shown that the mental evolution of life is a process that has been going on since the beginning of time. The author points out that the mental evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The ninth part of the paper is devoted to a detailed discussion of the emotional evolution of life. It is shown that the emotional evolution of life is a process that has been going on since the beginning of time. The author points out that the emotional evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

The tenth part of the paper is devoted to a detailed discussion of the intellectual evolution of life. It is shown that the intellectual evolution of life is a process that has been going on since the beginning of time. The author points out that the intellectual evolution of life is a process that is still going on today, and that it is a process that is still going on in the future.

head or chairman of the governing board's signature must be signed by the authorized person with the authorized person's signature listed below.

(b) The secretary of state is required to publish the register at least once a month, however, since July 1978, the register is published on a twice-monthly basis. An agency must submit its notices according to the submission schedule deadline set by the secretary of state. If a notice is submitted after the submission deadline it will not be published until the next publication date. It should be noted that the MAPA requires that agency action may not be taken until at least 30 days after the notice is published in the register.

(4) The form numbers for notices of action regarding rule changes subsequent to December 31, 1972, will be stated as MAR Notice No. _____. The notice numbers will be continued as they have proved to be beneficial both to the secretary of state's office and the agency. The first blank is to be filled with the title number for the department and the second blank with the appropriate number of the notice. Because sub-titles are deleted during recodification, a department will need to set up its own numbering system for notices.

(5) There will be no separate numbering sequence according to the type of notice issued.

(6) When the notice procedure results in the adoption, amendment or repeal of a rule, then such action must be certified and transmitted to the secretary of state for filing and publication. This will be accomplished by an administrative order. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1977 MAR p. 1233, Eff. 12/24/77; AMD, 1978 MAR p. 991, Eff. 7/15/78.)

1.2.402 PREPARATION OF RULE CHANGES FOR INSERTION IN CODE

(1) The code has been set up as a loose leaf service to provide a method of updating the code. As such, rule changes may be made and placed in the appropriate place within the text of the code. Thus, each administrative order for rule changes shall be followed within months by the actual text of the rules which the administrative order is certifying to the secretary of state. These rules must be prepared in the same form as were the initial rules so that they in turn may be photocopied and inserted in the code with uniform results. To accomplish this, the following procedures will be used.

(a) Refer to the existing code page to which the new, amending, repealing or transferred rule(s) will be added. The determination as to the proper page is made by interpolating the code number of the rule with the existing rules. The assignment of the code numbers to additional rules has been discussed in rule ARM 1.2.202.

(b) Supplemental pages: If the additional rule is a new rule or rules transferred to the agency from another agency, then the page upon which that rule will be typed will be retyped down through the existing code rule which immediately precedes the rule to be added. Then immediately following, type in the new rule exactly in the form that the initial rules were done (i.e. code number, catchphrase, text and history note). Then following the new rule, begin typing the rule which had been next on the old code page before the addition of the new rule, and continue typing until you have completed what had been on the old code page. The new page will take the same page number as the old page. In most cases, the addition of a rule would extend the old page such that the text of the old page would not all fit on the new page. In this case, another sheet(s) of paper will be used but only so far as to finish what had been on the old code page before it had been added to. This second page will take the same page number as the prior page, only such page number will be followed by a decimal point and the number 1. When supplemental pages are needed then the supplemental pages will take the same page number with the addition of a decimal point and the number 1, 2, 3, etc. such as: (Example: 46-74.1, 46-74.2, 46-74.3 and so on). Refer to 1.2.217 PAGE NUMBERING SYSTEM.

(c) Decimal point pages should be eliminated in the biennial review of rules and the following pages renumbered accordingly.

(d) The placement of the page numbers and code section numbers will always fall on the outside of the page. Department names and chapter names will be determined by checking the previous existing pages in the code.

(2) When the remainder of the old page to which the new rule has been added has been completed in this fashion, then the typing should stop on that supplemental page even though the entire page may not have been used. Even though the typing may end in the middle of a rule, or middle of a sentence, the

continuation will be found on the next page which originally followed the old code page on which the change was inserted.

(3) The same page extension procedure should be followed when a rule is amended. In the case of an amendment, only the amended form of the rule will be typed. This should be placed in the same location as was the rule before it was amended. Note that the code number will remain the same. If the amendment necessitates a new catchphrase, then such catchphrase shall replace the old.

(4) Examples for retyping pages: Assume that you are going to make a change on existing page 59. And assume that such page contains a continuation of rule -S600 from the preceding page and also contains the beginning of the next rule which was -S610. Then assume that you are going to add a new rule, which has been assigned the number -S609. This would mean that -S609 would have to be typed in between the end of -S600 and the beginning of -S610. To accomplish this you would take a new sheet of paper and retype what was on page 59, i.e., the continuation of -S600. Then at the end of -S600 on the new sheet you would double space and begin typing new -S609 with the code number, catchphrase and text and continue typing until you have completed the rule. At that point, double space and retype as much of -S610 (the rule which had followed -S600 on the old page 59) as appeared on old page 59. This new sheet will also be page numbered 59. Note that where you cannot type in -S609 and the part of -S610 which had appeared on old page 59 on the first new sheet, then you will have to go to another sheet or sheets. These supplemental sheets will be page numbered 59.1, 59.2 etc.

(a) When the part of -S610 is completed as far as it went on old page 59, then stop typing, even though you may end in the middle of a sentence. The continuation of -S610 will appear on page 60 which is already in the code.

(b) The page name designations and the code name on the newly prepared pages will be the same as on old page 59 and will be placed in the same position as they were on page 59 before it was changed. The code number page designation will be typed at the top using the same method as used for preparing the initial pages of the code.

(5) The above example applies also in amending a part of a rule on any given page. However, if for example -S610 begins on page 59 and finishes on page 60, and -S620 begins immediately thereafter on page 60, and if there is an amendment to -S610, then retype 59 down through -S610 and continue typing to the point where the amendment begins and use any supplemental page 59's as necessary. If the amendment removes any part of -S610 on old page 60, then prepare a new page 60. To do this, simply omit that part of -S610 on the top of new page 60 and retype as much of -S620 as had been on page 60 beginning at the eighth line from the top of the new page 60. This will mean that even though you will not reach the bottom of the new page 60, you should stop typing, because the continuation of -S620 will appear on existing page 61 which need not be changed.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. The letter is addressed to the Senate and the House of Representatives, and is signed by Abraham Lincoln. The letter discusses the state of the Union and the progress of the war against the Confederacy. It also mentions the Emancipation Proclamation and the importance of the Union's cause.

2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Edwin M. Stanton. The report discusses the military situation in the South and the progress of the Union's forces. It also mentions the importance of the Union's cause and the need for more resources.

3. The third part of the document is a report from the Secretary of the Navy, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Gideon Welles. The report discusses the state of the Navy and the progress of the Union's fleet. It also mentions the importance of the Union's cause and the need for more resources.

4. The fourth part of the document is a report from the Secretary of the Treasury, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Salmon P. Chase. The report discusses the state of the Treasury and the progress of the Union's finances. It also mentions the importance of the Union's cause and the need for more resources.

5. The fifth part of the document is a report from the Secretary of the Interior, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Caleb B. Smith. The report discusses the state of the Interior and the progress of the Union's land policy. It also mentions the importance of the Union's cause and the need for more resources.

6. The sixth part of the document is a report from the Secretary of the War, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Edwin M. Stanton. The report discusses the state of the War and the progress of the Union's military operations. It also mentions the importance of the Union's cause and the need for more resources.

7. The seventh part of the document is a report from the Secretary of the Navy, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Gideon Welles. The report discusses the state of the Navy and the progress of the Union's fleet. It also mentions the importance of the Union's cause and the need for more resources.

8. The eighth part of the document is a report from the Secretary of the Treasury, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Salmon P. Chase. The report discusses the state of the Treasury and the progress of the Union's finances. It also mentions the importance of the Union's cause and the need for more resources.

9. The ninth part of the document is a report from the Secretary of the Interior, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Caleb B. Smith. The report discusses the state of the Interior and the progress of the Union's land policy. It also mentions the importance of the Union's cause and the need for more resources.

10. The tenth part of the document is a report from the Secretary of the War, dated January 10, 1862. The report is addressed to the President and the Congress, and is signed by Edwin M. Stanton. The report discusses the state of the War and the progress of the Union's military operations. It also mentions the importance of the Union's cause and the need for more resources.

(6) The above procedures should be used to prepare a rule which repeals an existing rule in entirety. For example, assume that existing page 59 contains the beginning of 610, and that 610 is to be repealed entirely. You would retype old page 59 down to the place where 610 had begun, then type in the full code number for 610 and the catchphrase, following with the phrase in upper case and underlined (IS HEREBY REPEALED) and the history. You will then stop typing on the new page even though you have not used the full new page. Then, assuming that 610 before its repeal had finished on, for example, old page 60 and 620 had begun on old page 60, then you will have to retype page 60, omitting on the new sheet that portion of 610 which had appeared on old page 60. To do this, you will prepare the new page 60 by moving that part of 620 which had appeared on old page 60, to the top of the new page 60 and type down as much as had appeared on old page 60. At that point, stop, even though the whole page is not used up. Then the continuation of 620 will appear on existing page 61.

(7) Where a particular agency has adopted rules, but subsequent legislative enactment has transferred such rules to another agency, for administrative purposes, then the transferring agency will so indicate in the appropriate place in their section of the code (i.e. the page on which the transferred rule(s) began). Here, the same page preparation process will be used as was used for preparing a repealing rule.

(a) A statement should be placed where rules were originally located. Example: 36.2.1501 through 36.2.1510- are hereby transferred to (name of transferee agency) or (cite location within one title). If only one rule is being transferred the section number, catchphrase and full history appears in the old location with the addition of the transfer information in the history. The transfer should also be noted in the chapter table of contents either by the word TRANSFERRED after the catchphrase of a rule or if a number of rules being transferred, a statement, (example: 36.2.1501 through 36.2.1510- TRANSFERRED). (History: Sec. 2-4-306 MCA; IMP., Sec. 2-4-306 MCA; NEW, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.403 BIENNIAL REVIEW OF RULES BY AGENCY (1) As provided in Section 2-4-314 MCA, each agency shall at least biennially review its rules to determine if any new rule should be adopted or any existing rules should be modified or repealed. A schedule will be set up by the secretary of state's office and each department will be informed when its biennial review should be conducted.

(2) During biennial review, all the rules that have been repealed since an agency has recodified its title, will be deleted from their location in the body of the rules and from the subchapter table of contents. The rule number, the page number of the rule section of the Montana Administrative Register on which the rule was repealed, and the effective date of the repeal, will be placed on a repealed rule table that will be inserted in each title.

(History: Sec. 2-4-314 MCA; IMP, Sec. 2-4-314 MCA; NEW, 1977 MAR p. 1233, Eff. 12/24/77; AMD, MAR p. , Eff. 6/29/79.)

1.2.404 ADMINISTRATIVE ORDER (1) When the notice procedure results in the adoption, amendment or repeal of a rule, then such action must be certified and transmitted to the secretary of state for filing and publication. This will be accomplished also by an administrative order. Replacement pages will not need an administrative order. Orders will not be numbered but may be cited, if necessary, by date.

(2) The Administrative Order will be signed by the head of the department where the department has an elected official or an executive appointment by the governor, or by the chairman of the board where the department is headed by a multi-member board. In the case of rules submitted by an agency assigned to a department for administrative purposes only, then such rules will be signed by the chairman of that agency or its governing board.

(3) Emergency and permanent rules may not be intermingled on the same order.

(4) Refer to ARM 1.2.507 for typing format. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.411 UPDATING THE CODE--PROCEDURES (1) As ARM 1.2.206 LOCATION OF RULE CHANGES indicated, rule changes to the initial rules will be accomplished by exchanging new pages for the pages on which the change took place. The Administrative Rules of Montana has been set up as a loose leaf service to accommodate this method of revision.

(a) As the secretary of state has the responsibility for distributing the code pages containing the rule changes, the following instructions explain how the code subscriber shall make the appropriate insertions to their codes upon receipt of the additional material.

(b) The secretary of state shall mail to register subscribers an issue of the register on a twice-monthly basis. Included in each register are notice pages, emergency rules, rule section containing rule changes which were certified to the secretary of state during that twice-monthly period, and an interpretation section containing opinions from the attorney general, and declaratory rulings.

(c) Accompanying the replacement pages which are distributed to the subscribers to the code on a three month basis or more frequently if necessary, will be instructions which indicate where the pages to be inserted and which pages of the existing code have been superseded and should be removed.

(i) Pursuant to Chapter 600, Laws of 1979, the Administrative Rules of Montana will be recodified by July 1, 1980. Due to the problem of interspersing of recodified pages into the existing pages of the ARM, and with the knowledge that some of the subscriber's sets have not been updated, it has been determined to withhold all replacement pages until the recodification of the ARM is completed in July 1980. This simplified approach to accommodate the recodification procedure would avoid confusion and errors. To assure reference to rulemaking during this transition period necessitated by recodification, a user will need to check each Montana Administrative Register's table of contents published since July 1979. After recodification is completed, each subscriber will be furnished a completely assembled recodified set of ARM. Replacement pages will then be distributed on a three month basis again. (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306, Eff. 12/31/72; AMD, Eff. 7/1/74; AMD, 1977 MAR p. 1233, Eff. 12/24/77; AMD, 1978 MAR p. 991, Eff. 7/15/78; AMD, 1979 MAR p. 157, Eff. 2/16/79.)

1.2.412 HOW TO CITE THE ADMINISTRATIVE RULES OF MONTANA

(1) When referring to a rule from the Administrative Rules of Montana, such rule shall be properly referred to by its full code number. For example this rule on how to cite a code section, would be referred to as ARM 1.2.412. (History: Sec. 2-4-306 MCA; IMP 2-4-306 MCA, Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77.)

The first part of the paper discusses the importance of the study of the history of the United States. It is pointed out that the study of history is not only a means of understanding the past, but also a means of understanding the present and the future. The author argues that the study of history is essential for the development of a nation and for the progress of the world.

The second part of the paper discusses the importance of the study of the history of the United States. It is pointed out that the study of history is not only a means of understanding the past, but also a means of understanding the present and the future. The author argues that the study of history is essential for the development of a nation and for the progress of the world.

The third part of the paper discusses the importance of the study of the history of the United States. It is pointed out that the study of history is not only a means of understanding the past, but also a means of understanding the present and the future. The author argues that the study of history is essential for the development of a nation and for the progress of the world.

The fourth part of the paper discusses the importance of the study of the history of the United States. It is pointed out that the study of history is not only a means of understanding the past, but also a means of understanding the present and the future. The author argues that the study of history is essential for the development of a nation and for the progress of the world.

The fifth part of the paper discusses the importance of the study of the history of the United States. It is pointed out that the study of history is not only a means of understanding the past, but also a means of understanding the present and the future. The author argues that the study of history is essential for the development of a nation and for the progress of the world.

1.2.421 SUBSCRIPTION TO THE CODE--COST (1) The secretary of state is required by law, (Sec. 2-4-312 MCA and 2-4-313 MCA) to distribute copies of the code and register and revisions thereto, free of charge, to certain federal, state and county agencies enumerated therein.

(2) The secretary is also authorized to make available additional copies of the code, register and revisions thereto to the public at prices fixed to cover publication and mailing costs. Price lists will be furnished by the secretary of state upon request. (History: Sec. 2-4-306 MCA, IMP, 2-4-306 MCA, Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.422 MONTANA ADMINISTRATIVE REGISTER (1) The Administrative Rules of Montana are kept current by a publication known as the Montana Administrative Register.

(2) The Montana Administrative Register is comprised of three sections. The first is the notice section wherein the department or agency has given notice of intended administrative rulemaking action. The second section contains the results of the action wherein a rule has been adopted, amended or repealed. This is known as the rule section of the register. The third is the interpretation section containing attorney general opinions and agency declaratory rulings.

(3) A more detailed explanation of the format of the register and instructions for its use appear in the preface to the register. The register will always be maintained in a volume separate from the code. (History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA, Eff. 12/31/72; AMD, 1977 MAR p. 1233, Eff. 12/24/77.)

1.2.423 AGENCY FILING FEES (1) Beginning July 1, 1979 all agencies will be required to pay a \$1.00 per page filing fee for all pages submitted which are applicable to the notice and rule section of the Montana Administrative Register. The secretary of state will bill annually for all fees incurred by the agency for the fiscal year. (History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA; NEW, 1977 MAR p. 1233, Eff. 12/24/77; AMD, 1979 MAR p. 156, Eff. 2/16/79.)

1.2.501 TYPING FORMAT FOR OUTLINE FORM (1) Each paragraph should be given a section or subsection designation using the following order.

- | | | |
|-------|--------------------------|--|
| (1) | Space over 2 or 4 spaces | There is no need to space over 4 spaces unless your rule will be broken down in such a way that each subsection will fall directly beneath each other. In this case, spacing over 4 spaces will allow for the additional characters in (iii) or (III), giving an even left hand typing margin where the text begins. |
| (2) | Begin text | |
| (3) | | |
| (a) | | |
| (b) | | |
| (c) | | |
| (i) | | |
| (ii) | | |
| (iii) | Begin text | |
| (A) | | |
| (B) | | |
| (C) | | |
| (I) | | |
| (II) | | |
| (III) | | |

(2) All subsections are indented five spaces except when the (1) follows the catchphrase. In that case, if the catchphrase does not take up a full line the (1) follows 2 spaces at the end of the catchphrase on the same line. Example:

1.2.101 CODE FORMAT (1) Begin text

If the catchphrase takes the full line then the (1) is indented five spaces on the next line. Example:

2.14.110 COLLECTION OF EQUAL EMPLOYMENT OPPORTUNITY DATA
(1) Begin text

(3) If a sentence follows the catchphrase which ends with a colon and is followed by a (1), that (1) is indented five spaces on the next line down. Example:

2.14.110 COLLECTION OF EQUAL EMPLOYMENT OPPORTUNITY DATA
Distribution of payroll status forms:

- (1) begin text
- (2) etc..

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.502 TYPING FORMAT FOR NOTICES (1) Format instructions for notices to be published in the Montana Administrative Register (MAR):

(a) paper - white bond, 20 substance, 8½" x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;

(b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;

(c) notice forms - set down in attorney general's model rules found in Title 1, Chapter 6, Administrative Rules of Montana (ARM), or in A Guide to Form and Style for the Administrative Rules of Montana and Montana Administrative Register published by the secretary of state's office;

(d) margins - It is helpful to place an outline with the margin measurements listed below for use as a backing sheet when typing material for ARM and MAR;

(i) margin on left hand side of paper - 1½" in width;

(ii) margin on right hand side of paper - ¾" in width;

(iii) top margin - 5th typewriter down from top of page, type "BEFORE THE (NAME OF AGENCY)", centered, capital letters. On the line below type "OF THE STATE OF MONTANA", centered, capital letters. This heading will appear on the first page of the notice only; Example:

5th line - BEFORE THE (NAME OF AGENCY)
 OF THE STATE OF MONTANA

(iv) bottom margin - end text of notice 1½ inch up from bottom of page;

(e) single space with no spacing between paragraphs. If an agency is noticing rules that are not related, skip down four lines and begin a new notice; Only one signature at end.

(f) indent - The first line of each paragraph and each subsection is indented 5 spaces;

(g) outline form - (1)(2)(3); (a)(b)(c); (i)(ii)(iii); (A)(B)(C); (I) (II)(III) all indented 5 spaces. Refer to ARM 1.2.501

(h) text of notice - begins 2 lines below the department name and state of Montana heading; Example:

In the matter of the adop-)	NOTICE OF PUBLIC HEARING
tion of a rule (summary; for)	FOR ADOPTION OF A RULE
example: requiring sprinkler)	(subject: for example:
systems in wood drame structures)		sprinkler systems)

2 lines below, indent 5 spaces, type. TO: All Interested Persons

(i) Follow the form that applies to your particular notice closely including all paragraphs, headings and information required. A single notice may combine adoption, amendment and repeal of a group of rules covering related subject matter.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

LECTURE NOTES

BY

PROFESSOR

OF

THE UNIVERSITY OF CHICAGO

CHICAGO, ILL.

1950

PRINTED BY THE UNIVERSITY OF CHICAGO PRESS

- (j) rule number - indent 5 spaces type rule number. Do not assign numbers to new rules in the notice stage. Rather, use Rule I, Rule II, Rule III, etc. Underline rule number;
- (k) catchphrase - a short phrase describing the contents of the rule. Typed 2 spaces over from rule number, capital letters, underlined;
- (l) text of rule noticed - 2 spaces over from catchphrase begin text. Refer to outline form ARM 1.2.501. Interline text of an amended rule that is being stricken and underline new material. New rules need not be underlined;
- (m) history notes - not added to rule;
- (n) authority and implementing citations - must be in notice:
 - (i) If more than one rule noticed both citations should appear at end of each rule.
 - (ii) If one rule noticed, both citations should appear in last numbered paragraph of notice.
- (o) signature - notice signed in black ink by department head or chairman of governing board. If the department head or the chairman of the governing board is unable to sign, a letter must be filed with the secretary of state authorizing who may sign for them. A stamped signature may not be used. The department head or chairman of the governing board's name must be signed by the authorized person with the authorized person's signature listed below: Example:

name of department head or chairman
of governing board must be signed by:

By: Authorized person's signature

- (p) date certified to secretary of state - 2 lines below signature;
- (q) notice form numbers - place on first page of notice only, using prefix MAR. Place 1 inch up from bottom of page. Refer to ARM 1.2.401;
- (r) page number - beginning with page (2), number pages on top right margin in pencil;
- (s) proofread
- (t) submit notice in original and 2 copies to secretary of state, room 202, capitol building, as early as possible or no later than noon on the filing date. If a notice incorporates by reference a model code, federal agency rule or like publication, a copy must be filed with the secretary of state along with the notice. (History: Sec. 2-4-306 MCA: IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.503 TYPING FORMAT FOR RULE SECTION MATERIAL

(1) Format instructions for rule section material to be published in the Montana Administrative Register (MAR).

(a) paper - white bond, 20 substance, 8½ inches x 11 inches. Type on one side of paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;

(b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;

(c) rule section form - set down in attorney general's model rules found in Title 1, Chapter 6, Administrative Rules of Montana (ARM), or in A Guide to Form and Style for the Administrative Rules of Montana and Montana Administrative Register published by the secretary of state's office;

(d) margins - It is helpful to place an outline with the margin measurements listed below for use as a backing sheet when typing material for ARM or MAR;

(i) margin on left hand side of paper - 1½" in width

(ii) margin on right hand side of paper - ¾" in width

(iii) top margin - fifth line down from top of page, type "BEFORE THE (NAME OF AGENCY)", centered, capital letters. On line below type "OF THE STATE OF MONTANA", centered, capital letters. This heading will appear on the first page of the rule section material only; Example:

5th line - BEFORE THE (NAME OF AGENCY)
 OF THE STATE OF MONTANA

(iv) bottom margin - end text of rule section material 1½ inch up from bottom of page;

(e) spacing - single space with no spacing between paragraphs. If an agency wishes to place more than one adoption of rules but not all together in one adoption of rules form, space down 4 lines on same page and begin new form. Only one signature is needed at the end of the adoption of rules form;

(f) indent - The first line of each paragraph and each subsection is indented 5 spaces;

(g) outline form - (1)(2)(3); (a)(b)(c); (i)(ii)(iii); (A)(B)(C); (I)(II)(III) all indented 5 spaces. Refer to ARM 1.2.501;

(h) text of rule section - begins 2 lines below the department name and state of Montana heading; Example:

In the matter of (same as)	NOTICE OF THE ADOPTION OF A
proposed action in notice)	RULE, AMENDMENT OF RULE _____
	OR REPEAL OF RULE _____

2 lines below, indent 5 spaces, type TO: All Interested Persons:

(i) Follow the form for bringing material back into the rule section closely including all paragraphs, headings and information required.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

The third part of the report deals with the social situation of the country. It is a very interesting and informative study of the country's social development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development.

(j) rule number - assign rule numbers to new rules;
 (k) If the text of the rule(s) appeared in the notice stage, it will not be retyped in the rule section unless there is a change in the language since the notice stage. The stricken language is interlined and the new language is underlined. If rule needs to be retyped in rule section follow directions given in the notice format for placement of rule number and catchphrase.

(l) If more than one rule is being adopted space down four lines and add additional rules on same page.

(m) signature - signed in black ink by department head or chairman of the governing board. If the department head or the chairman of the governing board is unable to sign, a letter must be filed with the secretary of state authorizing who may sign for them. A stamped signature may not be used. The department head or chairman of the governing board's name must be signed by the authorized person with the authorized person's signature listed below: Example:

name of department head or chairman of governing board signed by:

By: authorized person's signature

(n) date certified to secretary of state - 2 lines below signature;

(o) page number - beginning with page (2), number pages on top right margin in pencil;

(p) proofread carefully.

(q) Submit in original and 2 copies to secretary of state, room 202, capitol building, as early as possible or no later than noon on the filing date;

(r) administrative order - must accompany rule section material. Refer to ARM 1.2.517 for typing instructions.

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

1.2.504 TYPING FORMAT FOR REPLACEMENT PAGES FOR THE ADMINISTRATIVE RULES OF MONTANA (1) Format instructions for replacement pages to be published in the Administrative Rules of Montana.

- (a) paper - white bond, 20 substance, 8½" x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;
- (b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;
- (c) refer to ARM 1.2.402 for preparation of rule changes for insertion in code.
- (d) margins - It is helpful to place an outline with the margin measurements listed below for use as a backing sheet when typing material for ARM or MAR;
 - (i) margin on left hand side of paper - 1½" in width;
 - (ii) margin on right hand side of paper - ¾" in width;
 - (iii) top margin - 5th typewriter line down from the top
- (e) ODD NUMBERED PAGES (All new chapters, cross reference tables, old to new tables, topical index pages begin on an odd numbered page.)
 - (i) 5th line down from top of page - type name of chapter, centered, capital letters;
 - (ii) 5th line down from top of page - right hand margin, type rule number without ARM prefix for last beginning rule appearing on that page.
 - (iii) 1 inch up from the bottom of the page type ADMINISTRATIVE RULES OF MONTANA on the left hand margin, center date of replacement page, place page number at right hand margin;
- (f) EVEN NUMBERED PAGES
 - (i) 5th line down from top of page, left hand margin, type rule number without ARM prefix for the first full rule beginning on that page. If the rule on preceding page takes up the entire even numbered page, than that rule number would be used;
 - (ii) 5th line down from top of page, type name of department, centered, capital letters;
 - (iii) 1 inch up from the bottom of the page type the page number on left hand margin, center date of replacement page type ADMINISTRATIVE RULES OF MONTANA at right hand margin;
- (g) spacing - single space in body of rule and between paragraphs of rule. Double space between rules;
- (h) indent - The first line of each paragraph and each subsection is indented 5 spaces;
 - (i) Type rule by indenting 5 spaces and begin with rule number;
 - (j) catchphrase - space over 2 spaces from rule number, type catchphrase in capital letters and underline rule number and catchphrase.
 - (k) outline form - (1)(2)(3); (a)(b)(c); (i)(ii)(iii); (A)(B)(C); (I)(II)(III) all indented 5 spaces. Refer to ARM 1.2.501.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the financial aspects of the organization. It provides a detailed overview of the budget, including the projected income and expenses for the upcoming year. This section also discusses the various financial risks and how they are being managed to ensure the organization's financial stability.

3. The third part of the document addresses the operational aspects of the organization. It describes the various processes and procedures that are in place to ensure the efficient and effective delivery of services. This section also discusses the various challenges that the organization is facing and how they are being addressed.

4. The fourth part of the document discusses the human resources of the organization. It provides a detailed overview of the current staff and the various roles and responsibilities of each employee. This section also discusses the various training and development programs that are in place to ensure that the staff is equipped with the skills and knowledge needed to perform their jobs effectively.

5. The fifth part of the document discusses the legal and regulatory aspects of the organization. It provides a detailed overview of the various laws and regulations that apply to the organization and how they are being complied with. This section also discusses the various legal risks and how they are being managed to ensure the organization's legal compliance.

6. The sixth part of the document discusses the environmental aspects of the organization. It provides a detailed overview of the various environmental issues that the organization is facing and how they are being addressed. This section also discusses the various environmental risks and how they are being managed to ensure the organization's environmental sustainability.

7. The seventh part of the document discusses the social aspects of the organization. It provides a detailed overview of the various social issues that the organization is facing and how they are being addressed. This section also discusses the various social risks and how they are being managed to ensure the organization's social responsibility.

8. The eighth part of the document discusses the overall performance of the organization. It provides a detailed overview of the various key performance indicators (KPIs) that are being used to measure the organization's performance. This section also discusses the various challenges that the organization is facing and how they are being addressed.

9. The ninth part of the document discusses the future of the organization. It provides a detailed overview of the various strategic goals and objectives that the organization is pursuing. This section also discusses the various risks and opportunities that the organization is facing and how they are being managed to ensure the organization's long-term success.

10. The tenth part of the document discusses the conclusion of the document. It provides a detailed overview of the various findings and recommendations of the document. This section also discusses the various actions that need to be taken to ensure the organization's continued success.

(l) language of rule - space over 2 spaces after catchphrase;

(m) history notes - begins 2 spaces after language of rule ends, typed in parenthesis. Refer to ARM 1.2.216.

(n) reserved page numbers - If there is a gap in page numbers between the page being inserted and the already existing pages, the wording "NEXT PAGE IS _____" should be typed in capital letters and centered .1 line above the name of the code and the page number line. (History: Sec. 2-4-306 MCA: IMP, Sec. 2-4-306 MCA: NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

(o) submit replacement pages in original and one copy to the office of the secretary of state, room 202, capitol building, Helena, Montana.

1.2.510 TYPING FORMAT FOR TITLE PAGE (1) Format for the title page to be published in Administrative Rules of Montana (ARM) indicating all the chapters listed for the title:

(a) paper - white bond, 20 substance, 8½" x 11". Type on one side of sheet only. Paper may be cut and pasted but scotch taped paper will not be accepted;

(b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;

(c) margins:

(i) left margin - 1½" in width;

(ii) right margin - ¾" in width;

(iii) bottom margin - end text 1½" up from bottom of page;

(d) begin on odd numbered page;

(e) 5th line down, type TITLE centered, capital letters followed by the title's assigned number;

(f) 8th line down, type NAME OF DEPARTMENT centered, capital letters;

(g) 10th line down, type the word Page at the right hand margin capitalizing only the first letter.

(h) 12th line down at left hand margin, type the word Chapter, only before the first chapter listed and capitalizing only the first letter. Two spaces over on the same line, type chapter number and a period, two spaces over type the name of the chapter, first letter of each word capitalized, with the page number listed on the same line falling at the right hand typing margin.

(i) Reserved chapters . numbers should be indicated in the title's chapter table of contents. Also, a page will be placed in the location that the reserved chapter(s) will fall in ARM. For example, the page will indicate:

Chapter 5 and Chapter 6 - Reserved (if reserving 2 chapters)

Chapter 12 through Chapter 16 - Reserved (if reserving more than 2 chapters)

(j) double space between chapter listings;

(k) refer to ARM 1.2.504 for placement of heading for odd or even numbered pages.

EXAMPLE:

TITLE 20

DEPARTMENT OF INSTITUTIONS

	Page
Chapter 1. Organizational Rule	20-3
2. Overall Departmental Rules	20-13
3. Alcohol & Drug Division	20-41
Chapters 4 <u>and</u> 5 - Reserved	
6. Corrections Division	20-71

Chapters 7 through 12 - Reserved

(History: Sec. 2-4-306 MCA; IMP, 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.511 TYPING FORMAT FOR CHAPTER 1 PAGE (1) Format instructions for the first page of chapter 1 to be published in the Administrative Rules of Montana.

- (a) paper - white bond, 20 substance, 8½"x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;
- (b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;
- (c) margins:
 - (i) left margin - 1½" in width;
 - (ii) right margin - ¾" in width;
 - (iii) bottom margin - end text 1½" up from bottom of page;
- (d) begin on odd numbered page;
- (e) 5th line down, type CHAPTER 1, centered, capital letters and on right hand margin type the rule number;
- (f) 2 lines below, type ORGANIZATIONAL RULE, centered, capital letters;
- (g) 2 lines below, indent 5 spaces, type rule number, underline, type catchphrase in capital letters, underlined, begin language of rule, use no spacing between paragraphs;
- (h) outline form - refer to ARM 1.2.501;
- (i) 2 spaces after text, type history of rule in parenthesis;

EXAMPLE:

5th line down	CHAPTER 1	46-1-101
2 lines down	ORGANIZATIONAL RULE	

46-1-101 ORGANIZATIONAL RULE (1) Organization of the department - etc., continue with language of rule. Single space between paragraphs. At end of language of rule, skip 2 spaces and type history for rule in parenthesis. Refer to ARM 1.2.216 History Notes.

(j) There is no need to add "Sub-Chapter" as a heading, however, it is given a sub.-chapter "1" for rule numbering purpose. Ex: (46-1-101)

(k) Chapter 1 is reserved for each department's organizational rule, therefore, there is no table of contents for this chapter:.

(l) Refer to ARM 1.2.504 for placement for odd or even pages, (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1890

1. The first part of the report is a general statement of the work done during the year. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

2. The second part of the report is a detailed statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

3. The third part of the report is a statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

4. The fourth part of the report is a statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

5. The fifth part of the report is a statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

1891

1. The first part of the report is a general statement of the work done during the year. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

2. The second part of the report is a detailed statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

3. The third part of the report is a statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

4. The fourth part of the report is a statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

5. The fifth part of the report is a statement of the work done in each of the departments. It is a summary of the work done by the various departments of the institution, and is intended to give a general idea of the progress of the work.

1.2.512 FORMAT FOR CHAPTER PAGES BEGINNING WITH CHAPTER 2.

(1) Beginning with Chapter 2, there are sub-chapters with a table of contents of rules: (Begin on odd numbered page)

(a) paper - white bond, 20 substance, 8½ x 11". Type on one side of paper only. Paper may be cut and pasted by scotch taped paper will not be accepted;

(b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;

(c) margin - it is helpful to place an outline with the margin measurements listed below for use as a backing sheet when typing material for ARM or MAR;

(i) margin on left hand side of paper - 1½" in width;

(ii) margin on right hand side of paper - ¾" in width;

(iii) top margin - 5th line down type NAME OF DEPARTMENT, centered, capital letters. If a rule appears on this page, type rule number at right hand margin;

(iv) bottom margin - end text 1½" up from bottom of page;

(d) 2 lines below name of department heading, type CHAPTER 2, centered, capital letters;

(e) 2 lines below, type Sub-Chapter 1, centered;

(f) 2 lines below, type name of sub-chapter, centered, with first letter of each word in capital letters;

(g) 2 lines below, on left hand margin type the word Section, only before the first rule listed, followed by rule number and catchphrase of the rule.

(h) Double space and continue on with other rule numbers and catchphrase for the remainder of the rules in the sub-chapter.

(i) Double space and continue on with each table of contents for each sub-chapter as outlined above.

(j) If there is still space on the page after the end of the last sub-chapter table of contents, space down 2 lines and type the wording Sub-chapter 1, centered.

(k) 2 lines below type name of sub-chapter, centered, with first letter capitalized;

(l) 2 lines below indent 5 spaces and begin first rule

(m) Reserved sub-chapters and rule numbers are indicated on table of contents. Also indicate the following on the page(s) where the reserved sub-chapters and rule numbers fall: "Sub-chapters 3 and 4 - Reserved" or "Sub-chapters 6 through 9 - Reserved". "Rules 05 and 06-Reserved" or "Rules 09 through 15 - Reserved".

Example:

5th line: DEPARTMENT OF AGRICULTURE

2 lines down: CHAPTER 2

2 lines down: PROCEDURAL RULES

2 lines down: Sub-Chapter 1

2 lines down: Model Procedural Rules

Section 4.2.101 Model Procedural Rules

Rules 02 through 10 reserved*

*(should

4.2.111 Exceptions and Additions for Pesticides

(also

Sub-Chapters 2 through 7 reserved *

(appear

(in text.

(m) Refer to ARM 1.2.504 for placement of information on odd or even pages.

(f) list all rule numbers in ascending order. Ex:

(i) check to see how the page will fall in ARM, to determine the placement of the information at the bottom of the page. (Refer to ARM 1.2.504 on placement of information on odd or even pages.) (History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.514 FORMAT FOR CROSS REFERENCE TABLES (1) Format for cross reference tables to be published in the Administrative Rules of Montana:

(a) paper - white bond, 20 substance, 8½" x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;

(b) typewriter - pica spacing, 10 letters per inch, standard or courier style. black ribbon;

(c) margins - it is helpful to place an outline with the margin measurements listed below for use as a backing sheet when typing material for ARM or MAR;

(i) left margin - 1½" in width;

(ii) right margin - ¾" in width;

(iii) top margin - type heading 5th line down from top of page;

(iv) bottom margin - end text of material 1½" up from bottom of page;

(d) begin on odd numbered page;

(e) 5th line down from top of page type CROSS REFERENCE TABLE, centered, in capital letters on odd numbered pages.

(f) 5th line down from top of page type NAME OF DEPARTMENT, centered, in capital letters on even numbered pages.

(g) First page only, on 8th line down and using three lines, type centered, in capital letters, MONTANA CODES ANNOTATED TO ADMINISTRATIVE RULES OF MONTANA.

(h) 2 lines below on the left side will be typed MCA, and on the right hand margin will be typed ARM, in capital letters, and underlined.

(i) 2 lines below on the left side and in ascending order will be typed the MCA number and on the right hand side in ascending order the ARM numbers with the space between filled with typewriter periods. Do not double space between listings.

Example:

MCA

ARM

19-107 2.2.401

(j) Refer to ARM 1.2.504 for placement of headings on odd or even numbered pages. (History: Sec. 2-4-306 MCA: IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses and income. The document further states that regular audits are necessary to verify the accuracy of these records and to identify any discrepancies. It also mentions that proper record-keeping is essential for tax purposes and for providing a clear picture of the company's financial health to stakeholders.

In the second part, the focus shifts to the management of inventory. It describes various methods for tracking stock levels, such as using barcode systems or manual counting. The document highlights the importance of knowing the cost of goods sold (COGS) and how it relates to the overall profit margin. It also discusses the need for timely replenishment of stock to avoid shortages and the associated costs of lost sales. The text concludes by stating that effective inventory management is a key factor in the success of any business.

The final section of the document provides a summary of the key points discussed. It reiterates the importance of accurate record-keeping and effective inventory management. It also offers some practical advice for implementing these practices, such as setting up a system for regular audits and using technology to streamline inventory tracking. The document ends with a statement of intent to continue to improve and refine these processes over time.

1.2.515 FORMAT FOR TOPICAL INDEX (1) Format for the topical index to be published in the Administrative Rules of Montana:

- (a) paper - white bond, 20 substance, 8½" x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;
- (b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;
- (c) margins - It is helpful to place an outline with the margin measurements listed below for use as a backing sheet when typing material for ARM or MAR;
 - (i) margin on left hand side of paper - 1½" in width;
 - (ii) margin on right hand side of paper - ¾" in width;
 - (iii) top margin - 5th typewriter line down from the top;
 - (iv) bottom margin - end text of material 1½" up from bottom of page.
- (d) Begin on odd numbered page.
- (e) On first page only on 5th line down type INDEX, centered, capital letters. 2 lines below type DEPARTMENT NAME, centered and in capital letters. 2 lines below type, centered and taking up two lines, "References are to title, chapter, sub-chapter and section numbers";
- (f) 2 lines below, center the first alphabetical letter "A";
- (g) 2 lines below, at left hand typing margin, begin major topics, alphabetized with only first letter of first word capitalized.
- (h) If major topic is broken down into sub-topics, indent 5 spaces from left margin, alphabetize sub-topics and type with first letter of first word in capital letters.
- (i) If sub-topic is broken down into sub-topics, indent 10 spaces from left margin, alphabetize sub-topics and type in lower case letters.
- (j) If more than 1 line is needed for sub-topic, return to beginning of sub-topic and indent 2 spaces.
- (k) Single space between topics with double space between each alphabetical topical listing.
- (l) Do not separate rule numbers at end of line, rather continue full number on line beneath and indent 2 spaces.
- (m) Refer to ARM 1.2.504 for placement of heading on odd or even pages.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the financial aspects of the organization. It provides a detailed overview of the budget, including the projected income and expenses for the upcoming year. This section also discusses the various financial risks and how they are being managed to ensure the organization's financial stability.

3. The third part of the document addresses the operational aspects of the organization. It describes the various processes and procedures that are in place to ensure the efficient and effective delivery of services. This section also discusses the various challenges that the organization is facing and how they are being addressed.

4. The fourth part of the document discusses the human resources aspect of the organization. It provides an overview of the current staff levels and the various roles and responsibilities of the different departments. This section also discusses the various training and development programs that are in place to ensure that the staff is equipped with the necessary skills and knowledge to perform their duties effectively.

5. The fifth part of the document discusses the legal and regulatory aspects of the organization. It provides an overview of the various laws and regulations that the organization is subject to and how they are being complied with. This section also discusses the various legal risks and how they are being managed to ensure the organization's legal compliance.

6. The sixth part of the document discusses the environmental and social aspects of the organization. It provides an overview of the various environmental and social issues that the organization is facing and how they are being addressed. This section also discusses the various initiatives that are in place to promote sustainability and social responsibility.

7. The seventh part of the document discusses the overall performance of the organization. It provides an overview of the various key performance indicators (KPIs) that are being used to measure the organization's performance. This section also discusses the various strategies that are in place to improve the organization's performance and achieve its long-term goals.

Example:

5th line down

INDEX

2 lines below: DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES

2 lines

below: References are to title, chapter,
sub-chapter, and section numbers

A

Administrative errors, correction of assistance programs,
46-2.10(2)-S10160

Administrative Procedure Act

Department organizational rule, 46-2.1-0100

Model procedural rules, adoption, 46-2.2(1)-P200

Adoptive services, Child Welfare Services Bureau

Child placement

eligibility requirements, 46-2.6(2)-S6280

procedures for obtaining services, 46-2.6(2)-S6270

Home approval

eligibility requirements, 46-2.6(2)-S6550

B

Basic requirements, Economic Assistance Division,
46-2.10(2)-S10060, 46-2.19(2)-S10070

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978
MAR p. 1742, Eff. 12/29/78.)

1.2.516 FORMAT FOR CHARTS, ILLUSTRATIONS AND FORMS

(1) Format for charts, illustrations and forms to be published in Administrative Rules of Montana:

(a) paper - white bond, 20 substance, 8½" x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;

(b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;

(c) margins:

(i) left margin - 1½" in width;

(ii) right margin - ¾" in width;

(iii) top margin - 5th line down from top of page, type name of department, centered, in capital letters. Refer to ARM 1.2.504 for placement of rule number, if applicable, on odd or even numbered pages;

(iv) bottom margin - end text 1½" up from bottom of page.

(d) Submit originals or clear reproductions.

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

1.2.517: TYPING FORMAT FOR EMERGENCY RULES TO BE PUBLISHED IN THE MONTANA ADMINISTRATIVE REGISTER (1) Format instructions for emergency rules to be published in the Montana Administrative Register:

- (a) paper - white bond, 20 substance, 8½" x 11". Type on one side of the paper only. Paper may be cut and pasted but scotch taped paper will not be accepted;
- (b) typewriter - pica spacing, 10 letters per inch, standard or courier style, black ribbon;
- (c) margins:
 - (i) left hand side of paper - 1½" in width;
 - (ii) right hand side of paper - ¾" in width;
 - (iii) top - 5th typewriter line down from the top;
 - (iv) bottom - end text 1½" up from the bottom of the page;
- (d) Refer to Attorney General's Model Rules found in Title 1, Chapter 6 or in "A Guide to Form and Style for the Administrative Rules of Montana and Montana Administrative Register".
- (e) If the abbreviated notice applies, follow format for notice.
- (f) If it does not, on 5th line down type NAME OF DEPARTMENT, BOARD OR BUREAU.
- (g) Two lines below type the NAME OF THE CHAPTER in which the emergency rule will appear if it becomes a permanent rule.
- (h) Two lines below type EMERGENCY RULE TO AMEND centered in capital letters, or NEW EMERGENCY RULE centered in capital letters.
- (i) Two lines below type the statement of reason for the emergency rule.
- (j) Two lines below end of statement, indent 5 spaces, begin with rule number, catchphrase in capital letters, underline number and catchphrase, text of rule and history. (For history notes refer to ARM 2.1.216).
- (k) Do not assign a rule number if new rule.
- (l) If more than one page, place page "2" in pencil at right margin with no other headings, on other than first page.
- (m) Spacing - single space with no spacing between paragraphs. (Refer to ARM 1.2.503 for typing of rules).
- (n) signature - signed in black ink by department head or chairman of the governing board. If the department head or the chairman of the governing board is unable to sign, a letter must be filed with the secretary of state authorizing who may sign for them. A stamped signature may not be used. The department head or chairman of the governing board's name must be signed by the authorized person with the authorized person's signature listed below. Example:

name of department head or chairman of governing board signed by: _____

By: _____
authorized person's signature

(o) date certified to secretary of state - 2 lines below signature;

(p) administrative order - must accompany emergency rules. (Refer to ARM 1.2.518 for typing instructions).

Example:

5th line: AGRICULTURE

8th line: CENTRALIZED SERVICES

2 lines down: EMERGENCY RULE TO AMEND

Statement of reasons for emergency.

4-2.6(6)-S666 AGRICULTURAL SEED LICENSING FEES (1) All seed processing plants, seed labelers, seed buyers, and public agricultural seed warehouses shall obtain a license at a cost of \$25.00 per year from the department before doing business in this state.

(2) No person may distribute seed without obtaining a dealers license at the cost of \$10.00 per year for each place of business. The license must be obtained from the department. (History: Sec. 4-207 MCA; IMP, 4-218 MCA; NEW, Eff. 12/31/72; AMD, Eff. 8/8/76; EMERG AMD, 1978 MAR p. 717, Eff. 10/21/78.)

(signature)

(Typed name and title)

Date certified to the Secretary of State _____

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA; NEW, 1978 MAR p. 1742, Eff. 12/29/78.)

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

RECEIVED

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

RECEIVED

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

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DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

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DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

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DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

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DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

1.2.518 TYPING FORMAT FOR ADMINISTRATIVE ORDERS (1) All material submitted for publication in the rule section of the Montana Administrative Register and all emergency rules must be accompanied by an administrative order. This form is needed as an official filing document on all permanent rules and emergency rules.

(2) The form below shows the wording, spacing, and signature required:

STATE OF MONTANA

DEPARTMENT OF _____

(1) I, _____, Director of the Department of _____ or Chairman of the Board of _____ (where the department is governed by a board or where the order is promulgated by a board assigned to a department for administrative purposes) of the State of Montana, by virtue of and pursuant to the authority vested in me by (MCA section cited for authority) do promulgate and adopt the annexed rules and regulations to wit:

NEW:	(code number) _____	(catchphrase) _____
AMD:	_____	_____
REP:	_____	_____
TRANS:	_____	_____

as permanent _____ emergency _____ rules of this department (or board).

(2) This order after first being recorded in the order register of this department (agency) shall be forwarded to the Secretary of State for filing.

APPROVED AND ADOPTED _____, 19__

CERTIFIED TO THE
SECRETARY OF STATE _____, 19__

BY: _____ (name)
_____ (title)

(3) If the department head or the chairman of the governing board is unable to sign, a letter must be filed with the Secretary of State authorizing who may sign for them. A stamped signature may not be used. The department head or chairman of the governing board's name must be signed by the authorized person with the authorized person's signature listed below:

Ex: Signature of department head or chairman
By _____ Authorized person

(History: Sec. 2-4-306 MCA; IMP, Sec. 2-4-306 MCA: NEW, 1978 MAR p. 1742, Eff. 12/29/79.)

MODEL RULES

CHAPTER 6

MODEL RULES

Sub-Chapter 1

Procedural Rules Required By R.C.M. Chapter
Implementing Article II, Section 8 of the
1972 Constitution - Right of Participation

- | | |
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| Section 1-1.6(1)-P600 | Model Rules, Introduction |
| 1-1.6(1)-P610 | Notice of Agency Action That is
of Significant Interest to the
Public |

Sub-Chapter 2

Organizational and Procedural Rules Required
By The Montana Administrative Procedure Act

- | | |
|-----------------------|---|
| Section 1-1.6(2)-0620 | Introduction |
| 1-1.6(2)-0630 | Application of Administrative
Procedure Act |
| 1-1.6(2)-0640 | Organizational Rule |
| 1-1.6(2)-P650 | Rulemaking, Introduction |
| 1-1.6(2)-P660 | Rulemaking, Petition To Promulgate,
Amend or Repeal Rule |
| 1-1.6(2)-P670 | Model Rule, Rulemaking, Notice |
| 1-1.6(2)-P680 | Model Rule, Opportunity To Be Heard |
| 1-1.6(2)-P690 | Model Rule, Rulemaking, Agency
Action |
| 1-1.6(2)-P6000 | Model Rule, Rulemaking, Emergency
Rules |

1-1.6(2)-P6010	Model Rule, Rulemaking, Annual Review
-	
1-1.6(2)-P6020	Contested Cases, Introduction
1-1.6(2)-P6030	Contested Cases, Notice of Opportunity to be Heard
1-1.6(2)-P6040	Contested Cases, Emergency Suspension of a License
1-1.6(2)-P6050	Contested Cases, Default Order
1-1.6(2)-P6060	Contested Cases, Informal
1-1.6(2)-P6070	Contested Cases, Application For More Definite and Detailed Statement
1-1.6(2)-P6080	Contested Cases, Discovery
1-1.6(2)-P6090	Contested Cases, Hearing Examiners
1-1.6(2)-P6100	Contested Cases, Hearing
1-1.6(2)-P6110	Contested Cases, Record
1-1.6(2)-P6120	Contested Cases, Evidence
1-1.6(2)-P6130	Contested Cases, Ex Parte Consultations
1-1.6(2)-P6140	Contested Cases, Proposed Orders
1-1.6(2)-P6150	Contested Cases, Final Orders
1-1.6(2)-P6160	Contested Cases, Notice of Final Decision
1-1.6(2)-P6170	Declaratory Rulings, Introduction
1-1.6(2)-P6180	Declaratory Rulings, Content of Petition
1-1.6(2)-P6190	Declaratory Rulings, Denial of Petition

1-1.6(2)-P6200	Declaratory Rulings, Effect
1-1.6(2)-P6210	General Provisions, Subpoenas
1-1.6(2)-P6220	General Provisions, Representation
1-1.6(2)-P6230	General Provisions, Service
1-1.6(2)-P6240	General Provisions, Public Inspection of Orders and Decisions

SUB-CHAPTER 1

PROCEDURAL RULE REQUIRED BY R.C.M. CHAPTER IMPLEMENTING
ARTICLE II, SECTION 8 OF THE 1972 CONSTITUTION -
RIGHT OF PARTICIPATION.

1-1.6(1)-P600-INTRODUCTION.

(1) All section numbers refer to the Revised Codes of Montana, 1947. Section 82-4228(5) directs each agency to adopt procedural rules to facilitate public participation in agency actions that are of significant interest to the public. "Agency" is defined by section 82-4227(1). Note that exceptions to the term "agency" are fewer under this section than the Montana Administrative Procedure Act, section 82-4202(1). "Agency action" is defined by section 82-4227(3); exceptions are listed in section 82-4228(4).

1-1.6(1)-P610-Model Rule 1-NOTICE OF AGENCY ACTION THAT IS OF SIGNIFICANT INTEREST TO THE PUBLIC.

(1) In accordance with sections 82-4226 through 82-4229, prior to making a final decision that is of significant interest to the public, the agency shall afford reasonable opportunity for public participation. Public participation may be afforded by one or more of the following agency actions:

(a) prepare and distribute an environmental impact statement as required by the Montana Environmental Policy Act,

(b) conduct a proceeding in accordance with the Montana Administrative Procedure Act,

(c) hold a public hearing, after appropriate notice is given, in accordance with any other provision of state law or a local ordinance or resolution,

(d) cause a news story or advertisement concerning the decision to be carried prior to a final decision on the matter in a newspaper of general circulation within the area to be affected by the decision: (Sample form 1, infra, may be used to publish notice in a newspaper) or,

(e) publish a notice of the proposed agency action in the Montana Register in accordance with form 1, infra. The agency may grant or deny an opportunity for hearing.

(i) Sample form 1: Notice of proposed agency action.
BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of (2-) NOTICE OF PROPOSED
description of proposed) AGENCY ACTION
agency action))

TO: All interested persons.

1. The (3-name of agency) proposes to (4-description of agency action; for ex: amend Model Rules 1-1.6(1)-0600 through 1-1.6(2)-P63220, to provide for discovery in administrative proceedings).

2. Interested persons may submit data, views or arguments in written form or a request for opportunity to submit data, views or arguments in oral form to (5-name, address). To be considered, comments and requests must be received by (6-date which affords a reasonable time for opportunity to participate).

(7-name of agency head)

SUB-CHAPTER 2

ORGANIZATIONAL AND PROCEDURAL RULES REQUIRED BY THE MONTANA ADMINISTRATIVE PROCEDURE ACT

1-1.6(2)-0620-INTRODUCTION.

(1) All section numbers refer to the Revised Codes of Montana, 1947. The Montana Administrative Procedure Act includes sections 82-4201 through 82-4225.

The Act outlines procedures that agencies must follow when:

- (a) adopting, amending or repealing agency rules;
- (b) hearing contested cases; or
- (c) issuing declaratory rulings.

(2) Each agency subject to the Act must adopt rules describing its organization and procedures. Section 82-4203(1). Section 82-4203(3) directs the Attorney General to prepare a model form for a rule describing the organization of agencies and model rules of practice for agency guidance in fulfilling these requirements. The model rules have been adopted for that purpose. The model rules may be incorporated by reference to the model rules and all subsequent amendments to them.

1-1.6(2)-0630-APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

(1) The Act applies to all state agencies as defined in section 82-4202(1). Note that the state board of pardons is subject to only the sections enumerated in section 82-4202(1)(a).

1-1.6(2)-0640-ORGANIZATIONAL RULE

(1) An agency need not comply with the Montana administrative procedure act notice and hearing requirements when adopting an organizational rule. Section 82-4203(1)(a).

(2) The organizational rule must be reviewed annually to determine whether it should be modified. Section 82-4204(6).

(3) The organizational rule should contain the following:

(a) a description of the method of operations of the agency and each division,

(b) a description of methods by which the public may obtain information or make submissions or requests,

(c) charts showing both the organization of the agency and the functions of each division, indicating those divisions without rulemaking authority, and

(d) in the spirit of the rule, a personnel roster of agency heads, division heads and other key personnel should be appended to the rule.

(i) Sample form 2: Organizational Rule. As an example, this rule describes the organization and functions of a fictitious Department of Natural Resources and Conservation and its various units, including the administratively attached Board of Oil and Gas Conservation. It should be noted that the administratively attached board is required to submit its own organizational description.

36-2.1-0100-ORGANIZATIONAL RULE.

(1) Organization of the Department of Natural Resources and Conservation.

(a) History. The Department of Natural Resources and Conservation was implemented under the Executive Reorganization Act of 1971 by executive order of the governor on December 20, 1971.

(b) Divisions. The department consists of the following five divisions.

- (i) Centralized Services Division
- (ii) Water Resources Division
- (iii) Forestry Division
- (iv) Conservation Districts Division
- *(v) Oil and Gas Conservation Division

Each division is headed by an administrator. The first four of these divisions are further broken down into bureaus. (See functional charts.)

(c) Director. The director of Natural Resources and Conservation appointed by the governor heads the department. He is responsible for the administration of the department and its divisions.

*Attached for administrative purposes -- see separate organization description submitted by this division.

(d) Board of Natural Resources and Conservation. The Board of Natural Resources and Conservation consists of five members appointed by the governor for four-year terms.

(e) Attached Boards. Attached to the department for administrative purposes is the Board of Oil and Gas Conservation. The board consists of five members appointed by the governor and adopts administrative rules separately from the department of natural resources and conservation.

(f) Advisory Councils. There are two advisory councils advising the department--the State Conservation Commission and the Water Law Advisory Council. These councils have no rulemaking or adjudicating authority.

(2) Functions of Department Divisions.

(a) Centralized Services Division. The Centralized Services Division performs the general fiscal administrative support functions for the department. Its activities include purchasing, information and education, cartography, accounting, budgeting, payroll, personnel, statistics, reports, and records management. This division has no rule making or adjudicating functions under the Administrative Procedure Act.

(b) Water Resources Division. The Water Resources Division has the responsibility for the administration of water resources programs of the department. Included in its functions are ground-water administration, field project supervision, preparation of the state water resource plan, river basin studies, hydrology, flood plain management, and weather modification administration.

(c) Forestry Division. The Forestry Division administers the forestry programs of the state government. Its activities include timber sales administration, reforestation, timber stand improvement, hazard reduction, portable sawmill licensing, farm service forestry, fire protection on state and private forests, and administration of cooperative projects. As required by the Montana Constitution, the division reports to the State Board of Land Commissioners on matters relating to state lands.

(d) Conservation Districts Division. The Conservation Districts Division supervises and coordinates the formation and operation of local grazing and soil and water conservation districts in the state. The division also develops and implements the state rangeland utilization plan, and processes applications for watershed projects.

(e) Oil and Gas Conservation Division (Attached for administrative purposes only.) The Oil and Gas Conservation Division administers the oil and gas laws of the state. Its activities include classification of wells, well inspections and investigations, issuance of drilling permits, engineering studies, establishment of well spacing units and pooling orders, and core depository.

(3) Boards.

(a) Board of Oil and Gas Conservation.

The Board of Oil and Gas Conservation is attached to the department for administrative purposes only. As such, the board is responsible for adopting rules and holding hearings under the oil and gas laws of the state, independently of the department.

(b) Board of Natural Resources and Conservation.

Except for actions of the Board of Oil and Gas Conservation, the board must concur in actions of the department which grant or deny rights to the public. Consequently, the board must concur in rules adopted by the department, and in determinations or orders resulting from hearings held by the department. (For a more detailed explanation of the board's functions, inquiries may be directed to the director, who will inform the inquiring party as to where the guidelines can be found in the Montana Administrative Rules.)

(4) Information or Submissions.

General inquiries regarding the department may be addressed to the director. Specific inquiries regarding the functions of each division may be addressed to the administrator of that division. All requests for hearings, declaratory rulings, and for participation in rule making may be addressed to the director unless the notice in the Montana Administrative Register makes specific provisions for submissions.

(5) Personnel Roster.

Addresses of the director and each division are as follows:

Director, Department of Natural Resources and Conservation, Room 425, Mitchell Building, Helena, Montana 59601

Centralized Services Division, Room 432, Mitchell Building, Helena, Montana 59601

Water Resources Division, Room 403, Mitchell Building, Helena, Montana 59601

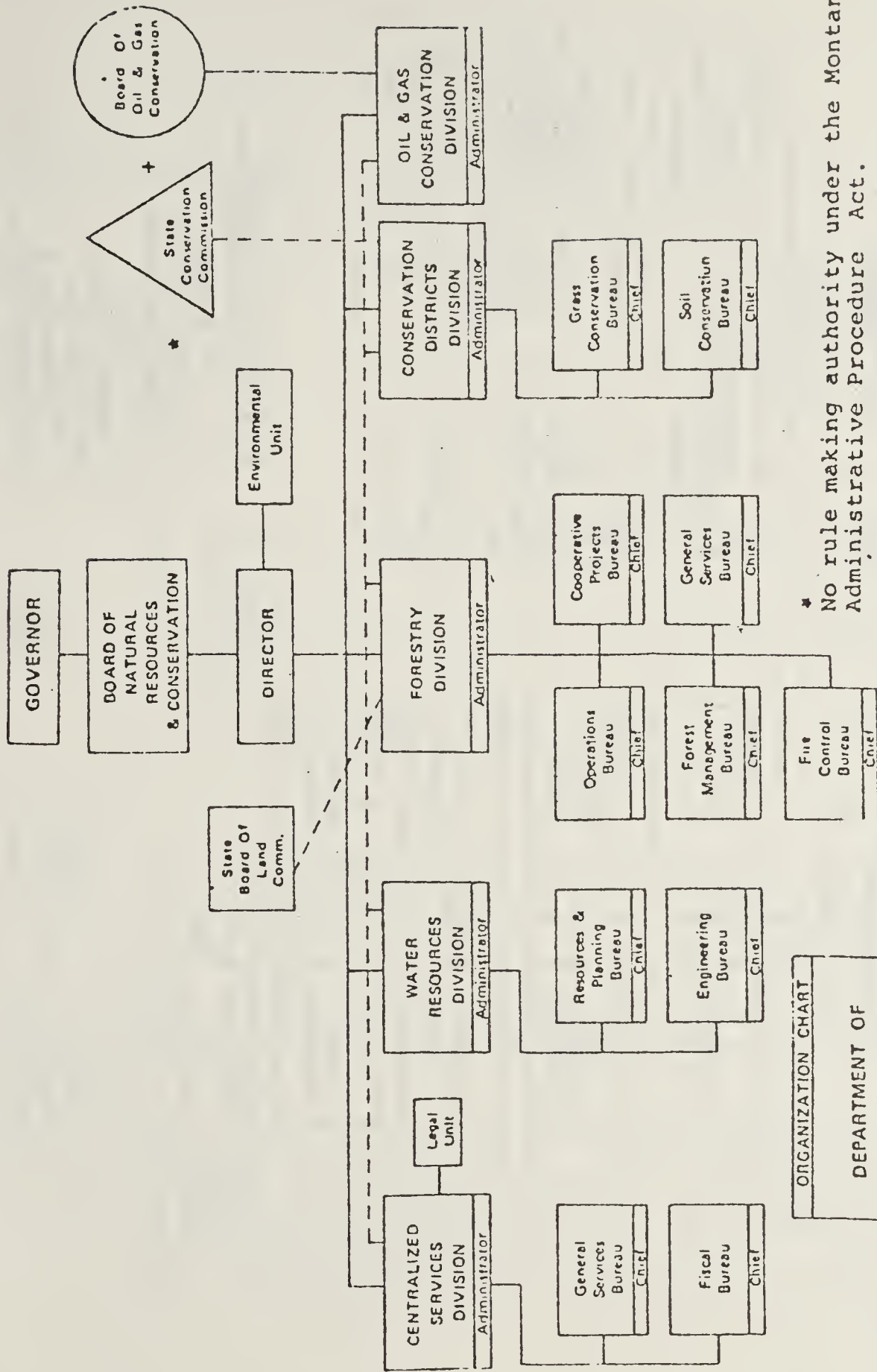
Forestry Division, 2705 Spurgeon Road, Missoula, Montana 59801

Conservation Districts Division, Room 422, Mitchell Building, Helena, Montana 59601

Oil and Gas Conservation Division, 325 Fuller Avenue, Helena, Montana 59601

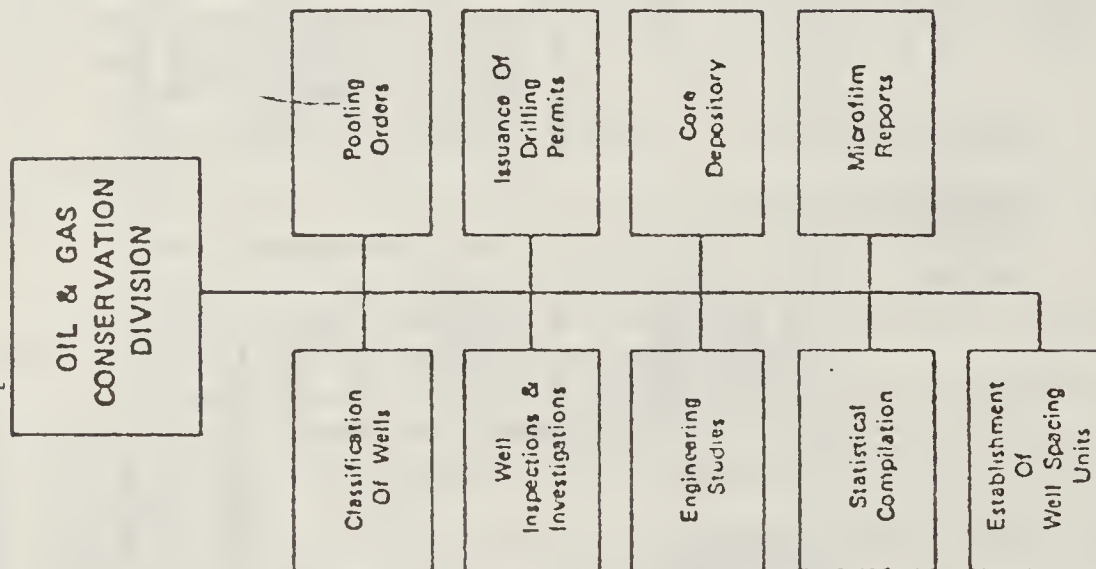
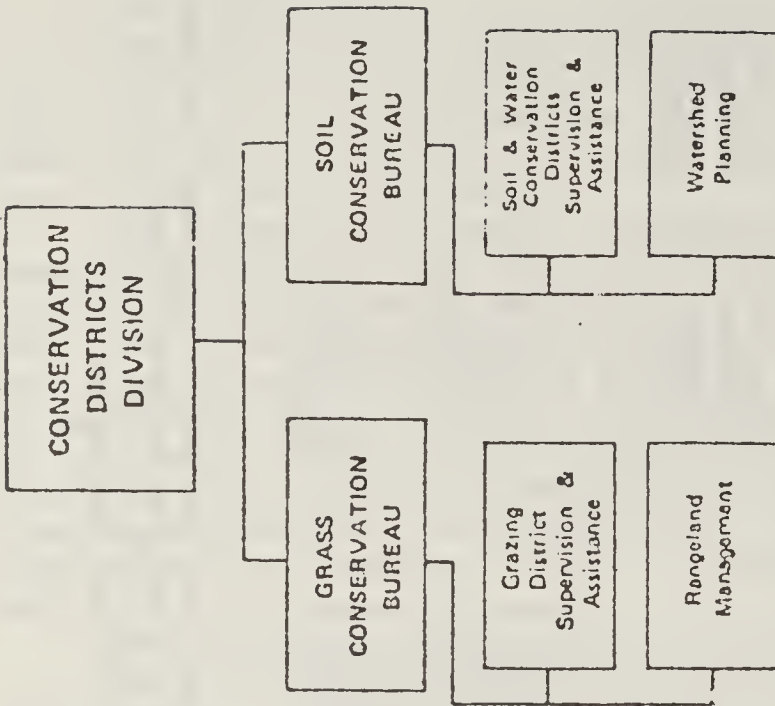
(6) Charts of Agency Organization.

Descriptive charts of the Department of Natural Resources and Conservation are attached as the following four pages and are incorporated in this rule.

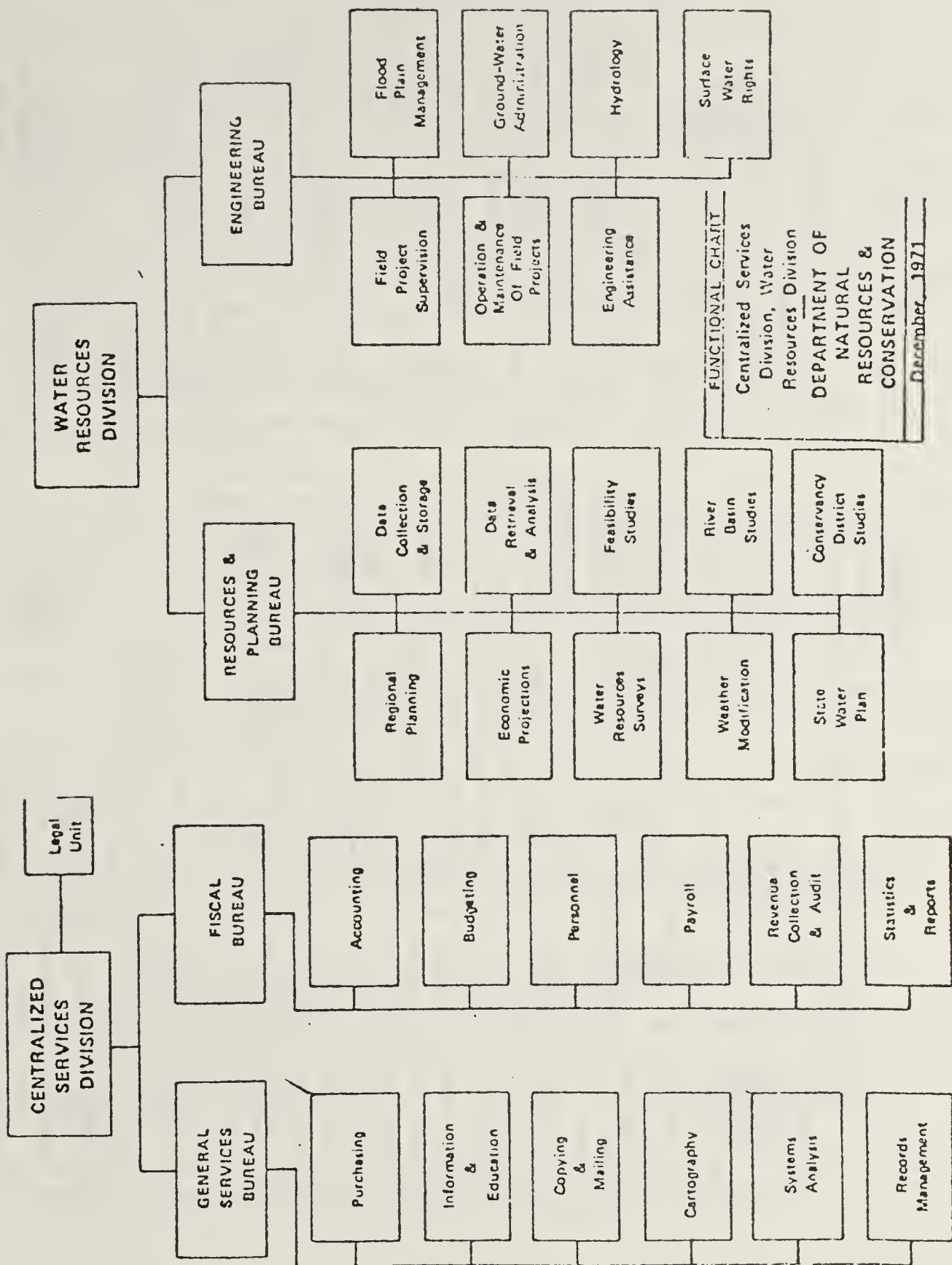


ORGANIZATION CHART
DEPARTMENT OF
NATURAL
RESOURCES &
CONSERVATION
December, 1971

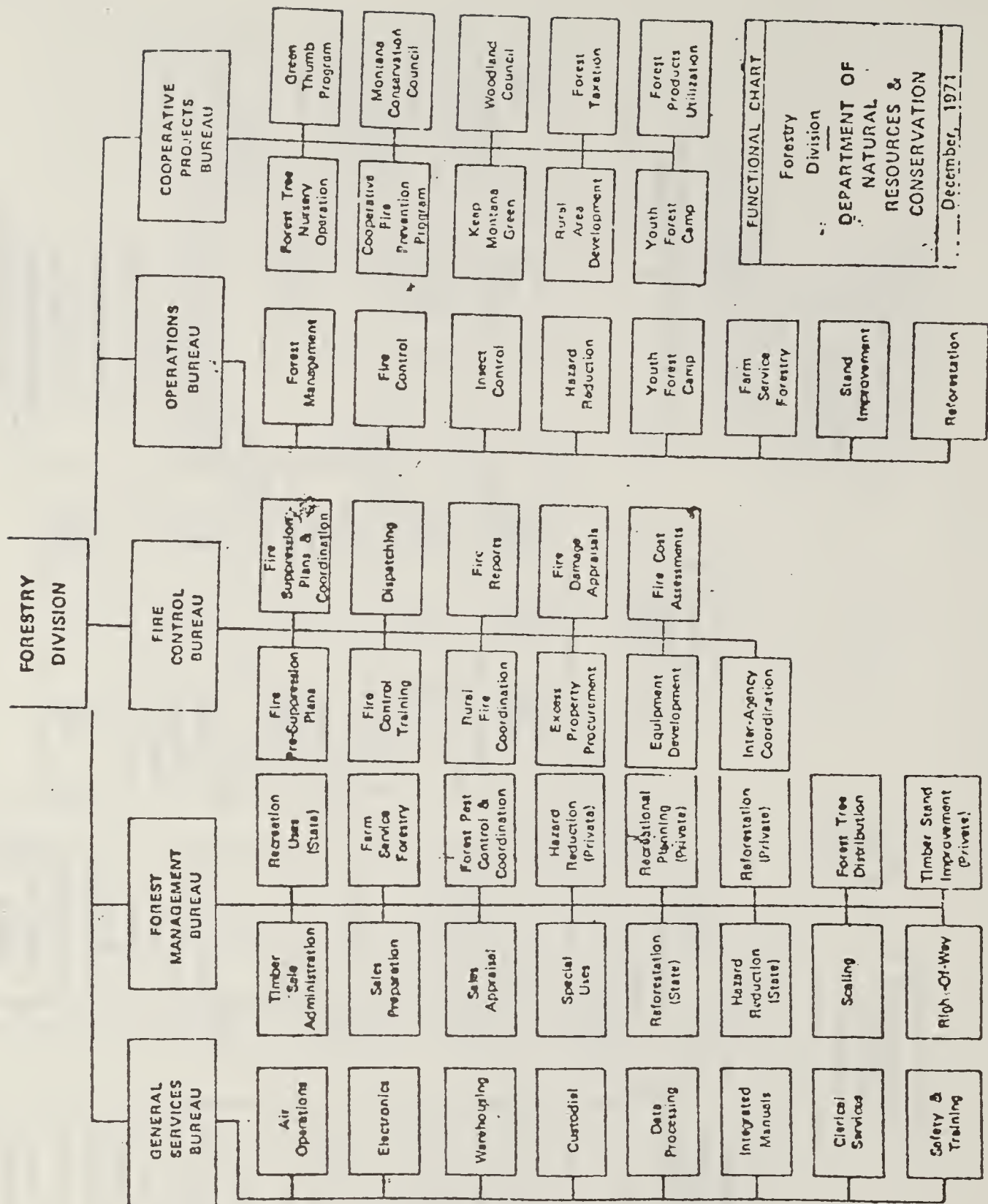
* No rule making authority under the Montana Administrative Procedure Act.
+ Submits separate rules



FUNCTIONAL CHART
Oil & Gas Conservation Division, Conservation Districts Division
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
December, 1971



FUNCTIONAL CHART
 Centralized Services
 Division, Water
 Resources Division
 DEPARTMENT OF
 NATURAL
 RESOURCES &
 CONSERVATION
 December, 1971



1-1.6(2)-P650-RULEMAKING, INTRODUCTION.

(1) Sections 82-4204 through 82-4207 prescribe procedures to be followed by agencies when adopting, amending or repealing rules.

(2) See section 82-4202(2) for the definition of "rule". Because of the difficulty in determining whether an agency action falls within the definition of rule, construe the exceptions narrowly and if in doubt, consult legal counsel. Interpretive rules are statements issued by an agency to advise the public of the agency's construction of the statutes and rules which it administers. Interpretive rules may be made under the express or implied authority of a statute, but are advisory only and do not have force of law.

(3) Rulemaking checklist. Rulemaking under the Administrative Procedure Act involves three steps.

☐ Notice of proposed agency action. See model rule 3.

☐ Opportunity to be heard.

The agency must allow at least 28 days for interested persons to submit comments in writing to the agency.

Except where otherwise required by law, an agency must hold a public hearing only if its proposed action affects a substantive rule and a hearing is requested by either:

(a) 10% or 25, whichever is less, of the persons who will be directly affected by the proposed action,

(b) a governmental subdivision or agency,

(c) an association having not less than 25 members who will be directly affected, or

(d) the Administrative Code Committee of the Legislature. See model rule 4.

☐ Agency action. See model rule 5.

(4) Temporary emergency rules may be adopted without prior notice or hearing or after abbreviated procedures. This is discussed in model rule 6.

1-1.6(2)-P660-Model Rule 2-RULEMAKING, PETITION TO PROMULGATE, AMEND OR REPEAL RULE.

(1) Section 82-4207 authorizes an interested person or member of the legislature acting on behalf of an interested person when the legislature is not in session, to petition an agency to promulgate, amend or repeal a rule.

(a) Petition from interested person. The petition shall be in writing, signed by or on behalf of the petitioner and shall contain a detailed statement of:

(i) The name and address of petitioner and of any other person known by petitioner to be interested in the rule sought to be adopted, amended or repealed.

(ii) Sufficient facts to show how petitioner will be affected by adoption, amendment or repeal of the rule.

(iii) The rule petitioner requests the agency to promulgate, amend or repeal. Where amendment of an existing rule is sought, the rule shall be set forth in the petition in full with matter proposed to be deleted therefrom interlined and proposed additions thereto shown by underlining or boldface.

(iv) Facts and propositions of law in sufficient detail to show the reasons for adoption, amendment or repeal of the rule.

(aa) Sample form 3: Petition from interested person.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of the) PETITION TO (3-
(2-promulgation of a rule,) PROMULGATE A RULE,
amendment of rule _____, or) AMEND RULE _____, OR
repeal of rule _____.)) REPEAL RULE _____)

1. Petitioner's name and address is (4-).

2. (5-facts showing petitioner will be affected; for ex.: Petitioner is the owner of Sunset Rooming House, a three-story wood frame structure located at 111 11th street, Anytown, Montana. Under rule 1-1.6(2)-S6040, page 1-47, Administrative Rules of Montana, petitioner is required to install a sprinkling system in his rooming house. The cost of a sprinkling system to petitioner would be \$5,000.)

3. (6-reasons for the proposed agency action; for ex.: Petitioner asserts a sprinkling system is not necessary in petitioner's case because the second and third floors of petitioner's rooming house each contain two fire exists leading to a fire escape. Petitioner contends that a heat-sensing fire alarm system would be an adequate alternative to protect the public safety in petitioner's rooming house.)

4. The rule as proposed to be (7-amended, promulgated) would read as follows:

(8-for ex.: Rule _____. Sprinkler Systems--When Required.

(1) Except as otherwise provided in this rule, all wood frame structures of two or more stories used for public occupancy shall be equipped with a fire sprinkler system approved as to type and installation by the Fire Marshal Bureau.

(2) Where a wood frame structure which is required by subsection (1) of this rule to have a sprinkler system has two or more exit doors on each floor above the ground floor leading to an approved type of fire escape maintained for public use, a heat sensing fire alarm system approved by the Fire Marshal Bureau as to type and installation, may be substituted for a sprinkler system.)

5. (9-Option 1: Petitioner has no knowledge of any person who may have a particular interest in the proposed agency action; or

Option 2: Persons known to petitioner to have an interest in the proposed agency action are:_____.)

WHEREFORE, petitioner requests the (10-name of agency) to (11-type of proposed agency action).

(12-Signature)

Petitioner

(b) Petition from legislator. Legislators may petition an agency on behalf of interested parties through an informal letter or memorandum. The petition should include the name of the person or a description of a class of persons on whose behalf the legislator acts. Petitions filed by the Administrative Code Committee of the legislature need not be brought on the behalf of any specifically interested party. Any petition from the legislature or its members should comply with (1)(a)(iii) and (iv) of this rule.

(2) The petition shall be considered filed when received by the agency.

(3) Agency Action. Upon receipt of the petition, the agency:

(a) shall mail a true copy of the petition to all parties named in the petition. The petition shall be deemed served on the date of mailing to the last known address of the person being served.

(b) shall advise petitioner that he has 30 days in which to submit written views.

(c) may schedule oral presentation of petitioner's views if the agency wishes to hear petitioner orally.

(d) shall, within 60 days after date of submission of the petition, either:

(i) issue an order denying the petition, stating its reasons for the denial, and mail a copy to the petitioner and all other persons upon whom a copy of the petition was served, or

(ii) initiate rule making proceedings in accordance with the Administrative Procedure Act.

1-1.6(2)-P670-Model Rule 3-RULEMAKING, NOTICE.

(1) How notice is given. Section 82-4204(1)(a)

(a) An agency shall give notice of intent to adopt, amend or repeal a rule by filing notice with the Secretary of State for publication in the Montana Administrative Register.

(b) Notice shall be mailed to persons who have made timely requests to the agency for advance notice of its rulemaking proceedings.

(c) If the agency is required by statute to provide for a different method of publication, it shall comply with the statute in addition to the requirements of the administrative procedure act.

(d) An agency may send a copy of the notice to a state-wide wire service and any other news media it considers appropriate.

(e) Whenever practicable and appropriate, the agency may send written notice to licensees of the agency.

(2) Notice shall be published or mailed at least 30 days in advance of the agency's intended action. Agency action must be taken within 6 months of the date on which notice was published or mailed.

(3) Contents of notice.

(a) Notice of public hearing.

(i) The notice must include:

(aa) a statement of whether the agency intends to adopt, amend or repeal a rule. The agency may issue a single notice that it intends to adopt, amend and repeal several rules dealing with the same subject matter, in a single proceeding (public hearing scheduled, or not contemplated);

(ab) if the terms of a proposed rule, amendment or repeal of a rule are known to the agency, a copy of any rule proposed to be adopted, amended, or repealed must be included in the notice. If the rule is too voluminous, the notice may instead include a summary and inform interested persons where a copy of the proposed rule may be obtained. If the exact terms of a rule are yet unknown to an agency, the notice may paraphrase a proposed rule and describe the subjects and issues involved in the intended action;

(ac) a statement of the reason why the agency is proposing the action;

(ad) a citation to the authority for the proposed rule;

(ae) the time (at least 20 days after publication of notice) and place of public hearing and the manner in which interested persons may present their views at the hearing; and

(af) a designation of the officer or authority who will preside at and conduct the hearing.

(ii) Sample form 4: Notice of public hearing on the proposed adoption of a new rule.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of the adoption) NOTICE OF PUBLIC
of a rule (2-summary; for ex.:) HEARING FOR ADOP-
requiring sprinkler systems in) TION OF A RULE
wood frame structures of two or) (3-subject; for
more stories used for public) ex.: sprinkler
occupancy.)) systems)

1. On (4-date) at (5-time), a public hearing will be held in room (6-) of the (7-building), (8-city), Montana, to consider the adoption of a rule which (9-summary of subject matter).

2. The proposed rule does not replace or modify any section currently found in the Montana Administrative Code.

3. (Option 1:) The proposed rule provides as follows: (10-text of proposed rule).

(Option 2:) The proposed rule provides in summary that (10-summary). A copy of the entire proposed rule may be obtained by contacting _____.

(Option 3:) The proposed rule provides in substance that: (10-paraphrase rule, describe the subjects and issues involved in the intended action).

4. (11-rationale for proposed rule; for ex.: The department is proposing this rule because investigations by the state Fire Marshal have indicated that at least six fatalities in 3 separate hotel or nursing home fires in recent years would probably have been prevented if sprinkler systems had been in the buildings.)

5. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing.

6. (12-name, address) has been designated to preside over and conduct the hearing.

7. The authority of the agency to make the proposed rule is based on section (13-), R.C.M. 1947.

(14-agency head)

Certified to the Secretary of State (15-date)

(iii) Sample form 5: Notice of public hearing on proposed amendment of a rule.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PUBLIC
of Rule (2-) (3-summary; for ex.:) HEARING ON PRO-
requiring sprinkler systems in) POSED AMENDMENT
wood frame structures of two) OF RULE (4-)
or more stories used for public) (5-subject; for
occupancy.)) ex.: Sprinkler
) Systems.)

(1) On (6-date) at (7-time) a public hearing will be held in room (8-) of the (9-building), (10-city), Montana, to consider the amendment of rule (11-).

2. The proposed amendment replaces present rule (12-) found in the Administrative Rules of Montana. The proposed amendment would (13-summary; for ex.: permit the use of heat-sensing alarm devices as an alternative to a sprinkler system where a particular building meets certain exit and fire escape requirements).

3. (Option 1:) The rule as proposed to be amended provides as follows:

(14-text of present rule with matter to be stricken interlined and new matter added, then underlined.)

(Option 2:) The rule as proposed to be amended provides in summary that (14-summary). A copy of the entire rule as proposed to be amended may be obtained by contacting _____.

(Option 3:) The rule as proposed to be amended provides in substance that (14-paraphrase rule, describe the subjects and issues involved in the intended action).

4. (15-rationale for proposed amendment; for ex.: The department is proposing this amendment to its rule because compliance with the present rule would be very expensive for the owners of several older buildings, and because these owners have presented credible evidence that the less expensive heat-sensing alarm systems would provide an equal measure of public safety.)

5. Interested persons may present their data, views or arguments either orally or in writing at the hearing.

6. (16-name, address) has been designated to preside over and conduct the hearing.

7. The authority of the agency to make the proposed amendment is based on section (17-), R.C.M. 1947.

(18-agency head)

Certified to the Secretary of State (19-date).

(iv) Sample form 6: Notice of public hearing on proposed repeal of a rule.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of the repeal of)	NOTICE OF PUBLIC
Rule (2-) (3-summary; for ex.:)	HEARING ON REPEAL
requiring sprinkler systems in)	OF RULE (4-)
wood frame structures of two or)	(5-Subject; for ex.:
more stories used for public)	Sprinkler Systems)
occupancy).)	

1. On (6-date), at (7-time), a public hearing will be held in room (8-) of the (9-building), (10-city), Montana, to consider the repeal of rule (11-), (12-summary, for ex.: requiring sprinkler systems in wood frame structures of two or more stories used for public occupancy).

2. The rule proposed to be repealed can be found on page (13-) of the Administrative Rules of Montana.

3. The rule is proposed to be repealed because (14- rationale; for ex.: the Department of Health and Environmental Sciences has rules of similar import for hotels, boarding facilities, restaurants, nursing homes and health care facilities, and it appears that almost all wood frame structures of two or more floors used for public occupancy fall into one of those categories. Rule 1-16(2)-S6040 is thus superfluous to the extent it is consistent with the health agency's rule and confusing to the public if it is not consistent.)

4. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing.

5. (15-name, address) has been designated to preside over and conduct the hearing.

6. The authority of the agency to repeal the rule is based on section (16-), R.C.M. 1947.

(17-agency head)

Certified to the Secretary of State (18-date).

(b) Notice when agency does not plan to hold a public hearing.

(i) the notice must include:

(aa) a statement of whether the agency intends to adopt, amend or repeal a rule.

(ab) if the terms of a proposed rule, amendment or repeal are known to the agency, a copy of any rule proposed to be adopted, amended, or repealed must be included in the notice. If the rule is too voluminous, the notice may instead include a summary and inform interested persons where a copy of the rule may be obtained. If the exact terms of a rule are yet unknown to an agency, the notice may paraphrase a proposed rule and describe the subjects and issues involved in the intended action.

(ac) a statement of the rationale for the intended action.

(ad) the time and place at which data, views, or arguments may be submitted in writing to the agency.

(ae) in the case of substantive rules a statement that any interested person desiring to express or submit his data, views or arguments at a public hearing must request the opportunity to do so; and that if 10% or 25 or more of the persons directly affected; or a governmental subdivision or agency; or an association having not less than

25 members who will be directly affected; or the legislature's Administrative Code Committee request a hearing, a hearing will be held after appropriate notice is given. Reference to the Administrative Code Committee is unnecessary if the full legislature, by joint resolution, has ordered the repeal of a rule.

(af) in the case of substantive rules, a statement of the number of persons directly affected who constitute 10%.

(ag) in the case of substantive rules, the name and address of the person to whom request for public hearing must be submitted; and the date by which a request must be submitted.

(ii) Sample form 7: Notice of proposed adoption of a procedural rule.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PROPOSED
adoption of a rule (2-)	ADOPTION OF A RULE
summary; for ex.: specifying)	(3-subject; for ex.:
the forms available for use)	Water Use Act Forms)
under the Montana Water Use)	
Act))	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All interested persons

1. On (4-date), the (5-agency) proposes to adopt a rule (6-summary; for ex: specifying the forms available for use under the Montana Water Use Act).

2. (Option 1:) The proposed rule provides as follows: (7-text of proposed rule).

(Option 2:) The proposed rule provides in summary that: (7-summary). A copy of the entire proposed rule may be obtained by contacting _____.

(Option 3:) The proposed rule provides in substance that: (7-paraphrase rule, describe the subjects and issues involved in the intended action).

3. (8-rationale for proposed rule; for ex.: The rule is proposed to respond to a petition for its adoption filed by the Montana Water Users Association. The petition sets forth reasons why the forms should be available to the public. Copies of the petition are available from the department.)

4. Interested parties may submit their data, views or arguments concerning the proposed rule in writing to (9-name, address), no later than (10-date).

5. The authority of the department to make the proposed rule is based on section (11-), R.C.M. 1947.

(12-agency head)

Certified to the Secretary of State (13).

(iv) Sample form 8: Notice of proposed amendment of a procedural rule.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PROPOSED
amendment of Rule (2-))	AMENDMENT OF RULE (4-)
(3-summary; for ex.: specify-)	(5-subject; for ex.:
ing the forms available for)	Water Use Act Forms)
use under the Montana Water)	NO PUBLIC HEARING
Use Act))	CONTEMPLATED

TO: All Interested Persons

1. On (6-date), the (7-agency) proposes to amend rule (8-) which (9-summary, for ex.: specifying the forms available for use under the Montana Water Use Act).

2. (Option 1:) The rule as proposed to be amended provides as follows:

(10-text of rule with matter to be omitted interlined and new matter added, then underlined.)

(Option 2:) The rule as proposed to be amended provides in substance that: (10-paraphrase rule, describe the subjects and issues involved in the intended action).

(Option 3:) The rule as proposed to be amended provides in summary that (10-summary). A copy of the entire rule as proposed to be amended may be obtained by contacting _____.

3. (11-rationale for the proposed amendment; for ex.: The rule is proposed to be amended to respond to a petition for its amendment filed by the Montana Water Users Association. The petition sets forth reasons why the new forms should be available to the public. Copies of the petition may be obtained from the department.)

4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to (12-name, address), no later than (13-date).

5. The authority of the department to make the proposed amendment is based on section (14-), R.C.M. 1947.

(15-agency head)

Certified to the Secretary of State (16-date).

(v) Sample form 9: Notice of proposed amendment of a substantive rule when no public hearing is contemplated. Use form 8 through and including paragraph 4, then add:

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to (14-name, address), no later than (15-date).

6. If the agency receives requests for a public hearing on the proposed amendment from more than 10% or 25 or more persons who are directly affected by the proposed amendment, or from the Administrative Code Committee of the legislature, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be (16-) persons based on (17- for ex.: the 200 licensed plumbers in Montana).

8. The authority of the agency to make the proposed amendment is based on section (18-), R.C.M. 1947.

(19-agency head)

Certified to the Secretary of State (20-date).

(vi) Sample form 10: Notice of proposed repeal of a procedural rule.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of the repeal)	NOTICE OF PROPOSED
of rule (2-) (3-summary;)	REPEAL OF A RULE
for ex.: specifying the forms)	(4-subject; for ex.:
available for use under the)	Water Use Act Forms)
Montana Water Use Act))	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Interested Persons:

1. On (5-date), the (6-agency) proposes to repeal rule (7-), (8-summary; for ex.: specifying the forms available for use under the Montana Water Use Act).

2. The rule proposed to be repealed is on page (9-) of the Administrative Rules of Montana.

3. The agency proposes to repeal this rule because (10-rationale; for ex.: the forms are no longer needed because of amendments to the Act).

4. Interested parties may submit their data, views or arguments concerning the proposed repeal in writing to (11-name, address), no later than (12-date).

5. The authority of the department to make the proposed rule is based on section (13-), R.C.M. 1947.

(14-agency head)

Certified to the Secretary of State (15-date).

(vii) Sample form 11: Notice of proposed repeal of a substantive rule when no public hearing is contemplated.

Use form 10 through and including paragraph 4, then add:

5. If a person who is directly affected by the proposed repeal of rule (13-) wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit that request along with any written comments he has to (14-name, address), no later than (15-date).

6. If the agency receives requests for a public hearing on the proposed repeal from more than 10% or 25 or more persons directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be (16-) persons based on (17-for ex.: the 200 licensed plumbers in Montana).

7. The authority of the agency to make the proposed rule is based on section (18-), R.C.M. 1947.

(19-agency head)

Certified to the Secretary of State (20-date).

(viii) Sample form 12: Repeal or change of a rule by direction of the legislature.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of the repeal)	NOTICE OF PROPOSED
or change of Rule (2-)(3-)	REPEAL OR CHANGE OF
summary, for ex.: requiring)	RULE (4-) (5-subject,
sprinkler systems in wood)	for ex.: Sprinkler
frame structures of two or)	Systems)
more stories used for public)	
occupancy.))	

TO: All Interested Persons:

1. On (6-date), the (7-agency) will repeal or change rule (8-), (9-summary, for ex.: requiring sprinkler systems in wood frame structures of two or more floors used for public occupancy).

2. The rule to be repealed or changed is on page (10-) of the Administrative Rules of Montana.

3. (11-rationale for the repeal or change; for ex.: the department is repealing this rule as directed by Senate Joint Resolution No. 10 of the 45th Legislature, the text of which sets forth the reasons for repealing the rule.)

(12-agency head)

Certified to the Secretary of State (13-date.)

(ix) Notice of public hearing when a requisite number of persons or the Administrative Code Committee has requested a hearing.

(aa) When a hearing has been properly requested, the agency must mail notice of the hearing to persons who have requested a public hearing. Also, notice must be published in the Montana Administrative Register.

(ab) The notice must include:

(i) all information required in section (3)(a)(i) of this rule;

(ii) notice that the hearing is being held upon request of the requisite number of persons designated in the original notice or the Administrative Code Committee of the Legislature.

(ac) Sample form 13: Amendment of notice of proposed adoption, amendment or repeal of a substantive rule.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of (2-same)	NOTICE OF PUBLIC HEARING
as original notice.))	FOR (3-adoption of a
)	rule, amendment of rule
)	_____, or repeal of rule
)	_____) (4-subject, same
)	as original notice.)

TO: All Interested Persons:

The notice of proposed agency action published in the Montana Administrative Register on (5-date), is amended as follows because (6-the Administrative Code Committee, or the required number of persons designated therein) (7-has/have) requested a public hearing:

1. On (8-date), at (9-time), a public hearing will be held in room (10-) of the (11-building) to consider the (12-adoption of a rule, the amendment of rule_____, or repeal of rule_____), (13-summary; for ex.: requiring sprinkler systems in wood structures of two or more stories used for public occupancy).

2. (14-the proposed rule or proposed amendment) provides as follows:

(15-same as original notice)

OR

(14-the rule proposed for repeal is found on page ____ of the Administrative Rules of Montana.)

3. The rule is proposed for the purpose of (16-same rationale as original notice).

4. Interested persons may present their data, views or arguments, either orally or in writing, at the hearing.

5. (17-name, address) has been designated to preside over and conduct the hearing.

6. The authority of the department to (18-make the proposed rule, amendment, or repeal) is based on section (19-), R.C.M. 1947.

(20-agency head)

Certified to the Secretary of State (21-date).

1-1.6(2)-P680-Model Rule 4-OPPORTUNITY TO BE HEARD.

(1) Written comment. When an agency is not required and does not wish to hold a public hearing, the person designated in the notice to receive written comments from interested persons shall review all submissions within a reasonable time after the period for comment has ended. That person then shall prepare a written summary of the comments and submit this report to the rulemaker.

(2) Public hearing.

(a) Except as otherwise provided by statute, public hearings shall be conducted in the following manner:

(i) the hearing shall be conducted by and under the control of a presiding officer. The presiding officer shall be appointed by the rulemaker; that is, the department, board, or administrative officer authorized by law to make rules for the agency. The rulemaker retains the ultimate authority and responsibility to insure that the hearing is conducted in accordance with the Administrative Procedure Act.

(ii) at the commencement of the hearing, the presiding officer shall ask that any person wishing to submit data, views or arguments orally or in writing submit his name, address, affiliation, whether he favors or opposes the proposed action, and such other information as may be required by the presiding officer for the efficient conduct of the hearing. The presiding officer shall provide an appropriate form for submittal of this information.

(iii) at the opening of the hearing, the presiding officer shall read or summarize the notice that has been given in accordance with model rule 3.

(iv) subject to the discretion of the presiding officer, the order of presentation may be:

(aa) statement of proponents;

(ab) statement of opponents;

(ac) statements of any other witnesses present and wishing to be heard.

(v) the presiding officer or rulemaker has the right to question or examine any witnesses making a statement at the hearing. The presiding officer may, in his discretion, permit other persons to examine witnesses.

(vi) there shall be no rebuttal or additional statements given by any witness unless requested by the presiding officer, or granted for good cause. If such statement is given, the presiding officer shall allow an equal opportunity for reply.

(vii) the hearing may be continued with recesses as determined by the presiding officer until all witnesses present and wishing to make a statement have had an opportunity to do so.

(viii) the presiding officer shall, where practicable, receive all relevant physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibits. In the discretion of the agency the exhibits may be preserved for one year after adoption of the rule or returned to the party submitting the exhibits, but in any event the agency shall preserve the exhibits until at least 30 days after the adoption of the rule.

(ix) the presiding officer may set reasonable time limits for oral presentation.

(x) a record must be made of all the proceedings, either in the form of minutes or a verbatim written or mechanical record.

(b) The presiding officer shall, within a reasonable time after the hearing, provide the rulemaker with a written summary of statements given and exhibits received and a report of his observations of physical experiments, demonstrations and exhibits.

(3) Informal conferences or consultations. In addition to the required rulemaking procedures, an agency may obtain viewpoints and advice concerning proposed rulemaking through informal conferences and consultations or by creating committees of experts or interested persons or representatives of the general public. Section 82-4204.

1-1.6(2)-P690-Model Rule 5-RULEMAKING, AGENCY ACTION.

(1) Introduction. Thirty days after publication of notice and following receipt of the presiding officer's report, the rulemaker may adopt, amend or repeal rules covered by the notice of intended action.

(2) Notice of rulemaking. Upon adoption, amendment or repeal of a rule, the agency must file notice of its action with the secretary of state.

(a) The notice must include:

(i) either the text of the rule adopted or amended, reference to the notice of proposed agency action in which the text of the proposed rule or rule as proposed to be amended was printed in full, or reference to the page number of the Administrative Rules of Montana on which the repealed rule appears.

(ii) a statement of the principal reasons for and against the adoption, amendment or repeal of a rule that was presented by interested persons. The statement also must include the agency's reasons for overruling the considerations urged against the agency action. See Patterson v. Montana Department of Revenue, 557 P.2d 798 (1976).

(iii) a citation to the authority for the rule.

(b) Sample form 14: Notice of adoption, amendment or repeal of a rule.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of (2-) NOTICE OF THE (3-
same as notice of pro-) ADOPTION OF A RULE,
posed action)) AMENDMENT OF RULE ____ ,
) OR REPEAL OF RULE ____)

TO: All Interest Persons:

1. On (4-date), the (5-agency) published notice of a proposed (6-adoption of a rule, amendment to rule ____, or repeal of rule ____) concerning (7-subject; for ex.: salons in residences) at page (8-) of the (9-year) Montana Administrative Register, issue number (10-).

2. (Option 1:) The agency has (11-adopted, amended or repealed) the rule as proposed.

(Option 2:) The agency has (11-adopted, amended) the rule with the following changes:

(text of rule with matter stricken interlined and new matter added, then underlined.) If the changes are not numerous the following form may be used:

1-1.6(2)-P6030 Payment procedures.

(1) Reimbursement principles.

(a)-(b) same as proposed rule.

(c) The provider shall submit to the Department or its designee financial data within ~~120-days~~ 90 days.

(d)-(e) same as proposed rule.

(Option 3:) The agency has (11-adopted, amended) the rule with minor editorial changes but substantially as proposed.

(Option 4:) The agency has repealed rule (11-), found on page ____ of the Administrative Rules of Montana.

3. (Option 1:) No comments or testimony were received. The agency has (12-adopted, amended or repealed) the rule because (13-may be same rationale as given in original notice).

(Option 2:) (12-when adverse comment or testimony has been received, the agency must acknowledge and accept or rebutt the reasons given; for ex.:

At the public hearing, a representative of the Montana Wood Contractors' Association opposed the rule on the grounds that it discriminated against wooden buildings arbitrarily. He argued that fire hazards are also significant in brick and stone buildings, and that the rule would divert new construction business to brick and stone contractors.

A written statement opposing the rule was received from John Doe of Anytown, Montana, who had just installed a heat-sensing fire alarm system in his three-story rooming house. He argued that such a system provided a margin of safety equal to that of a sprinkler system.

The argument of the Wood Contractors is overruled. Statistics from the U.S. Fire Insurers' Association 1974 Annual Report show that fires break out in wood frame buildings at an annual rate of 21.4 per thousand, and in all other types of buildings at a rate of 11.9 per thousand. This differential justifies a stricter rule for wooden buildings.

The argument of Doe has merit on the assumption that adequate exits from upper floors are available. Accordingly, the rule has been modified to allow the substitution of a heat-sensing alarm system approved by the Fire Marshal for sprinkler systems in buildings having two or more exit doors leading to satisfactory fire escapes on each upper floor.)

(14-agency head)

Certified to the Secretary of State (15-date).

3. Effective date. The agency action is effective on the day following publication of the notice in the Montana Administrative Register unless a later date is required by statute or specified in the notice.

1-1.6(2)-P6000-Model Rule 6-RULE MAKING, EMERGENCY RULES.

(1) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 20 days notice, it may adopt a temporary emergency rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable. (Section 82-4204(2)).

(2) To adopt an emergency rule the agency must:

(a) file with the secretary of state a copy of the emergency rule and a statement in writing of its reasons for finding that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 20 days notice. Section 82-4205(1).

(b) take appropriate measures to make emergency rules known to persons who may be affected by them, including delivery of copies of the rule to a state wire service and to any other news media the agency considers appropriate.

(3) Effective date of temporary rule. An emergency rule becomes effective upon filing a copy with the secretary of state or on a stated date following publication in the Montana Administrative Register.

(4) Duration of emergency rule. An emergency rule may be effective for a period not longer than 120 days, and may not be renewed. The agency may, however, adopt an identical, permanent rule after notice and hearing in accordance with model rules 2 through 5.

(5) Sample form 15: Abbreviated Notice for emergency rulemaking.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

IN THE MATTER of the proposed)	NOTICE OF PUBLIC HEARING
adoption of an emergency rule)	(on abbreviated notice)
(2-summary; for ex.: on horse)	on (3-subject; for ex.:
racing records))	the adoption of a rule
)	on horse racing records)

TO: All Interested Persons:

(1) Statement of reasons for emergency (3-date):

(a) (4-explanation of emergency, for ex.: The board has recently had cause to believe that a number of out-of-state horses will be brought to Montana to race in the forthcoming spring season meets, and that the out-of-state track records of some of these horses may not be fully disclosed. No rule of the board now requires such disclosure. The practice of running so-called "ringers" imperils public safety and welfare in that public dissatisfaction with race results and posted odds could lead to altercations and commotion in betting areas and stands. Such welfare and safety considerations are in imminent peril in that 14 meets are scheduled between this date and the publication of the July Administrative Register, the soonest that a remedial rule could be adopted under regular procedures.

Therefore, the Board intends to adopt the following emergency rule in public hearing on May 28, 1978 (three days after publication of this issue of the Register). Comments received on or before that date will be considered prior to adopting the rule, and the Board reserves the right to revise the rule. The rule as adopted will be mailed to all licensed meets and commenting parties and published as an emergency rule in the next issue of the Register.)

(2) The hearing will take place in (5-place)
(6-time and date).

(3) The text of the proposed rule is as follows:
(7-text).

(4) The rationale for the proposed rule is as set forth in the statement of reasons for emergency.

(5) Interested persons may comment in writing to: (8-name and address).

(6) (9-name) has been appointed hearing officer to preside over and conduct the hearing.

(7) The authority of the board to adopt the proposed rule is (10-citation to authority).

(11-name of agency)

(12-agency head)

Certified to the Secretary of State (13-date).

1-1.6(2)-P6010-Model Rule 7-RULE MAKING, ANNUAL REVIEW.

Each agency must at least annually review its rules to determine whether any rule should be adopted or any existing rule should be modified or repealed. Section 82-4204(6).

1-1.6(2)-P6020-CONTESTED CASES, INTRODUCTION.

(1) A rule is an agency determination of general applicability to all persons who come within its terms. In contrast, a contested case involves an agency determination applicable to a specifically named party. "Contested case" and "party" are defined by section 82-4202.

1-1.6(2)-P6030-Model Rule 8-CONTESTED CASES, NOTICE OF OPPORTUNITY TO BE HEARD.

(1) The notice must include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and rules involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved; the notice should include, however, notice of a party's right to obtain a more definite and detailed statement upon application.

(e) A provision advising parties of their right to be represented by counsel at the hearing.

(f) A statement either staying the agency action or detailing at what point the party's legal rights, duties, or privileges will be revoked or imposed. Section 82-4209.

(2) Sample form 16: Notice of hearing.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of (2-)	NOTICE OF HEARING ON
summary; for ex.: the)	(3-subject; for ex.:
Insurance Agent's License)	THE REVOCATION OF
of John Doe))	AGENT'S LICENSE

TO: (4-name of party):

At (5-time), (6-date), at (7-address), a hearing will be held for the (8-subject; for ex.: revocation of the insurance agent's license of John Doe).

This hearing is held under the authority of (9-R.C.M. section or agency regulation). Violation of (10-R.C.M. section or agency regulation) is alleged in that (11-statement of facts constituting alleged violation; for ex.:

(Option 1:) John Doe misappropriated to his own use money belonging to a policyholder, specifically the sum of \$500 from Mary Smith on or about the 1st day of March 1973.

(Option 2:) John Doe misappropriated to his own use money belonging to a policyholder. A more definite and detailed statement of the allegation may be obtained by applying to Ms. Smith, Capitol Building, Helena, Montana.)

You are entitled to attend this hearing and respond and present evidence and arguments on all issues involved in this action.

You have a right to be represented by counsel at the hearing. If you desire to contest the proposed agency action, you must notify (12-name, address) in writing within (13-a number of days which provides reasonable opportunity to prepare) of service of this notice on you. Failure to notify (14-name) will result in (15-proposed agency action; for ex.: revocation) on the date of this hearing.

Dated: (16-)

(17-agency official)

1-1.6(2)-P6040-Model Rule 9-CONTESTED CASES,
EMERGENCY SUSPENSION OF A LICENSE.

(1) Section 82-4215(3) provides:

"...If the agency finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined."

(a) Sample form 17-Notice of immediate suspension or revocation of a license.

BEFORE THE (1-name of agency)

OF THE STATE OF MONTANA

In the matter of (2-) NOTICE OF (3-action
type of license and name) taken; for ex.:
of holder, for ex.: the) SUSPENSION OF AGENT'S
Insurance Agent's License) LICENSE) AND OF HEARING
of John Doe) FOR (4-PERMANENT SUSPEN-
) SION OR REVOCATION) OF
) (5-TYPE OF LICENSE)

TO: (6-name of license holder):

At (7-time), (8-date), at (9-room, building, address),
a hearing will be held for the (10-revocation or permanent
suspension) of the (11-type of license) of (12-name of
license holder).

This hearing is held under the authority of section
(13-), R.C.M. 1947. Violation of (14-R.C.M. section or
agency regulation) is alleged.

Pending the hearing, the (15-type of license) of
(16-name of license holder) is (17-suspended or revoked)
as of the date of this notice. This (18-suspension or
revocation) is based on (19-option 1: for ex.: misappropriation to his own use of money belonging to a policyholder, specifically \$500 from Mary Smith, on or about the 1st day of March 1973).

(Option 2: for ex.: misappropriation to his own use
of money belonging to a policyholder. A more definite and
detailed statement of the allegation may be obtained by
applying to Ms. Smith, Capitol Building, Helena, Mt.).

The (20-agency) finds that the public welfare imperatively requires emergency action, in that (21-finding of fact, for ex.: John Doe has notified the Commissioner that he intends to continue the practice of retaining for his own use initial payments received by him from his clients.)

You are entitled to attend the hearing and present evidence and arguments on whether the (22-suspension or revocation) should be made permanent. You have a right to be represented by counsel at the hearing. If you

desire to contest permanent (23-suspension or revocation), you must notify (24-name, address) in writing within (25-a number of days which provides a reasonable opportunity to prepare) of service of this notice on you. Failure to notify (26-name) of your contest of this action will result in permanent (27-suspension or revocation) on the date of this hearing. Dated (28-)

(29-agency official)

1-1.6(2)-P6050-Model Rule 10-CONTESTED CASES,
DEFAULT ORDER.

(1) If a party does not appear to contest an intended agency action, the agency may enter a default order. If a default is entered the order must contain findings of fact and conclusions of law as provided by Section 82-4213.

(a) Sample form 18: Default Order
BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of (2-)
summary, for ex.:) DEFAULT ORDER
Insurance Agent's License)
of John Doe)

On (3-date), a Notice of Proposed (4-agency action, for ex.: Revocation of Agent's License) was served on (5-name, address), by the sheriff of (6-county) Montana. A copy of the sheriff's return is attached to this order and marked Exhibit "A". A copy of the notice is attached to this order and marked Exhibit "B".

The notice provided an opportunity for hearing if requested within (7-) days. More than (7-) days have elapsed since service of the order and no request for hearing has been received. The (8-agency official) considered the evidence and exhibits and makes the following determinations:

FINDING OF FACT

(9-for ex.: On the first day of March, 1973, John Doe appropriated to his own use money belonging to a policyholder, specifically \$500 from Mary Smith, as is indicated by sworn statements by two witnesses, Mary Jones and Robert Jones, both being competent to testify and having personal knowledge of the transaction under consideration.

CONCLUSIONS OF LAW

(10-for ex.: Section 40-3329(1), R.C.M. 1947, provides that the commissioner may revoke an insurance agent's license if he finds that the licensee has misappropriated or converted to his own use money belonging to policyholders. The commissioner has so found; thus cause exists under section 49-3329(1)(d), R.C.M. 1947, for the revocation of the insurance agent's license of John Doe.)

ORDER

(11-for ex.: The insurance agent's license of John Doe is revoked effective August 1, 1973.)

(12-agency official)

Dated: (12-).

1-1.6(2)-P6060-Model Rule 11-CONTESTED CASES,
INFORMAL DISPOSITION.

(1) Section 82-4209(4) provides for informal disposition of any contested cases, where not precluded by law, by stipulation, agreed statement, consent order, or default. For a default order see Model Rule 10.

(2) Parties may agree to informal disposition if all parties directly affected agree to the result. To this end the agency may hold one or more informal conferences on notice to all parties. Informal conferences may be held only where the final action of the agency is stayed, and no legal rights, duties, or privileges are terminated prior to post-conference agency action.

(3) An informal conference may be used to define issues, determine witnesses and agree upon stipulations, in the nature of a pre-trial conference.

1-1.6(2)-P6070-Model Rule 12-CONTESTED CASES.
APPLICATION FOR MORE DEFINITE AND DETAILED STATEMENT.

(1) Upon application to the agency or the designated hearing examiner, a party who has been given notice of a hearing may apply for a more definite and detailed statement of the issues involved in the hearing. Section 82-4209(2)(d).

1-1.6(2)-P6080-Model Rule 13-CONTESTED CASES,
DISCOVERY.

(1) Section 82-4220(3) requires each agency to provide in its rules for discovery prior to a contested case hearing.

(2) In all contested cases discovery shall be available to the parties in accordance with Rules 26, 28 through 37 (except Rule 37(b)(1) and 37(b)(2)(d) of the Montana Rules of Civil Procedure in effect on the date of the adoption of this rule and any subsequent rule amendments thereto. Provided, however, all references to the "court" shall be considered to refer to the appropriate "agency"; all references to the use of the subpoena power shall be considered references to model rule 25; all references to "trial" shall be considered references to "hearing", all references to "plaintiff" shall be considered references to "a party"; all references to "clerk of court" shall be considered references to the person designated by the department head to keep documents filed in a contested case.

(3) If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the agency in which the action is pending, the refusal to obey such agency order shall be enforced as provided in model rule 25.

(4) If a party seeking discovery from the agency in which the action is pending believes he has been prejudiced by a protective order issued by the agency under Rule 26(c) M.R.Civ.P., or if the agency refuses to make discovery, that party may petition the district court for review of the intermediate agency action under section 82-4216.

1-1.6(2)-P6090-Model Rule 14-CONTESTED CASES,
HEARING EXAMINERS.

(1) Section 82-4211 allows the agency to appoint hearing examiners for the conduct of hearings in contested cases.

(a) The powers of the agency members or hearing examiners presiding over hearings are enumerated in section 82-4211(2).

(2) If a defending party notifies the agency that he will appear at the hearing to contest the intended action, the agency must advise all parties of the appointment of either an agency member or a hearing examiner to manage the case.

(a) Sample form 19: Order appointing a hearing examiner.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of the) APPOINTMENT OF HEARING
(2-same as original) EXAMINER
notice))

On (3-date) a notice of hearing for (4-for ex.: revocation of insurance agent's license) was served on (5-name). On (6-date) the agency received written notice that (7-name) will appear at the hearing to contest the intended agency action. (8-name) is appointed the hearing examiner in the above action. All correspondence and motions in the above matter should be directed to the hearing examiner at (9-address).

Dated: (10-)

(11-agency official)

(3) Disqualification of a hearing examiner or agency member is provided for under section 82-4211(3).

1-1.6(2)-P6100-Model Rule 15-CONTESTED CASES, HEARING.

(1) The hearing shall be conducted before the decision-making authority of the agency or a hearing officer designated in accordance with Model Rule 14.

(2) At the discretion of the presiding officer, the hearing may be conducted in the following order:

(a) Statement and evidence of agency in support of its action.

(b) Statement and evidence of affected parties supporting agency action.

(c) Statement and evidence of affected parties disputing agency action.

(d) Rebuttal testimony.

(3) The presiding officer, parties, and agencies or their attorneys shall have the right to question, examine or cross-examine any witnesses. Section 82-4210(3).

(4) The hearing may be continued with recesses as determined by the presiding officer. Section 82-4211.

(5) The presiding officer must insure that all parties are afforded the opportunity to respond and present evidence and argument on all issues involved. Section 82-4209(3).

(6) Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the agency as part of the record of the proceedings.

1-1.6(2)-P6110-Model Rule 16-CONTESTED CASES, RECORD.

(1) Section 82-4209(5) provides that the record in a contested case shall include the following:

(a) All pleadings, motions, intermediate rulings.
(b) All evidence received or considered, including a stenographic record of oral proceedings when demanded by a party.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof, objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing examiner or agency member presiding at the hearing.

(g) All staff memoranda or data submitted to the hearing examiner or members of the agency as evidence in connection with their consideration of the case.

(2) Section 82-4209(6) provides that on request of any party the stenographic record of oral proceedings or any part thereof shall be transcribed with the cost of transcription to be paid by the requesting party unless otherwise provided for by law.

1-1.6(2)-P6120-Rule 17- CONTESTED CASES, EVIDENCE.

(1) Section 82-4210 provides that unless otherwise provided by a statute directly relating to the agency, the agency is bound by common law and statutory rules of evidence. Objections to offers of evidence may be made and the agency will note them in the record. To expedite the hearing, if the interests of the parties are not prejudiced, any part of the evidence may be received in written form.

(2) Where the original of documentary evidence is not readily available the best evidence rule is modified to allow copies or excerpts.

(3) The presiding officer may take notice of judicially cognizable facts and generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified of materials noticed and be given an opportunity to contest them.

(4) In evaluating evidence the agency may use its experience, technical competence and specialized knowledge.

1-1.6(2)-P6130-Model Rule 18-CONTESTED CASES, EX PARTE CONSULTATIONS.

(1) Section 82-4214 protects all parties in a contested case from informal conferences between the agency and one of the parties. Upon issuance of notice of hearing, those persons who are charged with the duty of rendering a decision or of making findings of fact and conclusions of law shall not communicate with any party or his representative regarding any issue of fact or law without giving notice and opportunity for all parties to participate.

1-1.6(2)-P6140-Model Rule 19-CONTESTED CASES, PROPOSED ORDERS.

(1) If a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, no decision may be made which is adverse to a party other than the agency until a proposal for decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. If the parties adversely affected choose to file exceptions, present briefs or argue orally, the parties favorably affected by the proposal for decision must be given an equivalent opportunity.

(a) The proposal for decision shall be prepared by the person who conducted the hearing unless he becomes unavailable to the agency. If the person who conducted the hearing becomes unavailable to the agency, a person who has read the record may prepare proposed findings of fact only if the demeanor of witnesses is considered immaterial by all parties.

(b) The proposal for decision shall contain a statement of the reasons for the decision and of each issue of fact or law necessary to the proposed decision.

(c) The parties may waive compliance with this rule by written stipulation.

Section 82-4212.

1-1.6(2)-P6150-Model Rule 20-CONTESTED CASES, FINAL ORDERS.

(1) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include the following:

(a) If a party submitted proposed findings of fact, a ruling upon each proposed finding.

(b) Findings of fact; that is, a statement of facts found to be true and allegations of fact found to be false. The findings of fact must be supported by substantial evidence. If the findings of fact are set forth in statutory language, they must be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(c) Conclusions of law; that is, a statement of how the controlling law applies to the facts found, and the legal results. Each conclusion of law must be supported by legal authority or by a reasoned opinion.

(d) Order; that is, the action taken by the agency as a result of the findings of fact and conclusions of law. Section 82-4213.

(2) Sample form 20: Final Order

BEFORE THE INSURANCE COMMISSIONER

OF THE STATE OF MONTANA

In the matter of the)	FINDINGS OF FACT,
Insurance Agent's License)		CONCLUSION OF LAW, ORDER
of John Doe)	AND NOTICE OF OPPORTUNITY
)	FOR JUDICIAL REVIEW

After notice and hearing on the proposed revocation of the Insurance Agent's License of John Doe, for appropriation of policyholder's money, the Insurance Commissioner considered the evidence and exhibits and makes the following disposition of this contested case.

PROPOSED FINDINGS OF FACT

Counsel for John Doe proposed that the Commissioner find that: The personal check of Mary Smith was deposited to a trust account maintained by agent Doe. The Commissioner does not accept this proposed finding of fact because it was contradicted by two witnesses, both maintaining that the bank account was used for personal purposes by John Doe.

FINDINGS OF FACT

The licensee, John Doe, received the personal check of Mary Smith in the amount of \$500 on the 1st day of March 1973. The licensee, John Doe, maintained two checking accounts, one designated John Doe Insurance, Trust Account, the other a joint checking account between John Doe and Jane Doe. The joint checking account had a mailing address which was 100 Main Street, Anytown, Montana. 100 Main Street is the residence of John and Jane Doe. Thereafter, over a period of two weeks John and Jane Doe drew checks for rent, cash and groceries against the \$500 deposited. On March 1, 1973, John Doe gave to Mary Smith a receipt which read:

"Received of Mary Smith the sum of \$500 in payment of initial premium of life insurance policy to be issued by the Sandy Bottom Life Insurance Company of North Dakota in the amount of \$150,000, insuring the life of Mary Smith.

/s/ John Doe, Agent
Sandy Bottom Life Insurance
Company of North Dakota"

The Commissioner finds that John Doe appropriated to his own use money belonging to a policyholder.

CONCLUSIONS OF LAW

Section 40-3329(1)(d), R.C.M. 1947, provides that the commissioner may revoke an insurance agent's license if he finds that the licensee has misappropriated or converted to his own use money belonging to policyholders. The Commissioner has so found; thus cause exists under Section 40-3329(1)(d), R.C.M. 1947, for the revocation of the insurance agent's license of John Doe.

ORDER

The insurance agent's license of John Doe is revoked effective August 1, 1973.

Dated: August 1, 1973.

/s/ John Smyth
Insurance Commissioner

NOTICE: You are entitled to judicial review of this Order in accordance with section 82-4216, R.C.M. 1947. Judicial review may be obtained by filing a petition in district court within thirty days after the service of this Order

1-1.6(2)-P6160-Model Rule 21-CONTESTED CASES, NOTICE OF FINAL DECISION.

(1) Parties to contested cases and their attorneys shall be notified personally or by mail of any decision or order. On request, a copy of the decision or order shall be delivered or mailed to each party and to his attorney of record. Section 82-4213.

1-1.6(2)-P6170-DECLARATORY RULINGS, INTRODUCTION.

(1) A person taking or wishing to take a particular action may be unsure whether an agency regulation or a statute administered by an agency applies to that action. Section 82-4218 provides that a person may petition the agency for a declaratory ruling as to the applicability of a statute, regulation, or order, to his activity or proposed activity.

1-1.6(2)-P6180-Model Rule 22-DECLARATORY RULINGS, CONTENT OF PETITION.

(1) A petition for declaratory ruling must be typewritten or printed.

(2) The petition must include:

(a) the name and address of petitioner;

(b) a detailed statement of the facts upon which petitioner requests the agency to base its declaratory ruling;

(c) sufficient facts to show that petitioner will be affected by the requested ruling;

(d) the rule or statute for which petitioner seeks a declaratory ruling;

(e) the questions presented;

(f) propositions of law asserted by petitioner;

(g) the specific relief requested;

(h) the name and address of any person known by petitioner to be interested in the requested declaratory ruling.

(3) Sample form 21: Petition for Declaratory Ruling.

BEFORE THE (1-name of agency)
OF THE STATE OF MONTANA

In the matter of (2-summary;)
for ex.: the application)
of John Doe, an insurance) PETITION FOR
agent, for a declaratory) DECLARATORY
ruling on the applicability) RULING
of §40-3329(1)(d), R.C.M.)
1947, to his trust account))

1. Petitioner's name and address is (3-).

2. (4-facts; for ex.: Petitioner maintains an insurance office in his residence in Anytown, Montana. As part of his business petitioner maintains a trust account and a joint checking account under one number. Petitioner regularly deposits checks received from clients into the checking account for future transmittal to petitioner's employer, Sandy Bottom Insurance Company of North Dakota. The insurance commissioner has threatened to bring proceedings under section 40-3329(1)(d), R.C.M. 1947, for revocation of petitioner's license.)

3. The (5-statute, regulation, order) as to which petitioner requests a declaratory ruling is (6-) which provides that (7-pertinent provisions).

4. The question presented for declaratory ruling by the agency is (8-for ex.: whether the above statute makes the agent's license subject to revocation for maintaining a combination trust account and private account).

5. Petitioner contends that (9-for ex.: his activity is not an illegal withholding, because he does not use any of the deposited money in trust for his own use).

6. Petitioner requests a declaratory rule that (10-
for ex.: he may maintain one checking account for both
trust and private moneys without violation of section 49-
3329(1)(d), R.C.M. 1947).

7. (11-option 1:) Petitioner knows of no other
party similarly affected.

(Option 2:) Petitioner knows of the following
parties who are similarly affected: _____.

Dated: (12-).

(13-name)

(4) The record in a declaratory ruling proceeding
shall include:

- (a) the petition;
- (b) a statement of matters officially noticed;
- (c) if for good cause shown the agency has held
hearings on the petition, a stenographic record of the
proceedings when demanded by a party; and
- (d) the ruling.

1-1.6(2)-P6190-Model Rule 23-DECLARATORY RULINGS,
DENIAL OF PETITION.

(1) If the agency denies a petition for declaratory
ruling, the agency must mail a copy of the order denying
the petition to all persons named in the petition.

(2) An order denying a petition must include a
statement of the grounds for denial.

1-1.6(2)-P6200-Model Rule 24-DECLARATORY RULINGS,
EFFECT.

(1) A declaratory ruling is binding between the
agency and the petitioner concerning the set of facts
presented in the petition.

1-1.6(2)-P6210-Model Rule 25-GENERAL PROVISIONS,
SUBPOENAS.

(1) Section 82-4220 provides broad authority to the
agencies to require the furnishing of information, atten-
dance of witness, and production of evidence necessary to
a proceeding subject to the Administrative Procedure Act
through subpoenas or subpoenas duces tecum. In addition,
the agency must issue subpoenas upon request of any party
appearing in a contested case.

(2) Subpoenas must be served in the same manner as
subpoenas in civil actions.

(3) Except as otherwise provided by statute, witness fees and mileage shall be paid by the party requesting the issuance of the subpoena.

(4) In the case of disobedience, an agency may apply to the district court for an order to compel compliance with the subpoena or the giving of testimony. If the agency fails to seek such enforcement at the request of a party the party may do so. Section 82-4220.

1-1.6(2)-P6220-Model Rule 26-GENERAL PROVISIONS,
REPRESENTATION.

(1) Section 82-4221 affords any person appearing before the agency the right to be accompanied, represented and advised by counsel. The agency should advise a party to a contested case of his right to counsel.

1-1.6(2)-P6230-Model Rule 27-GENERAL PROVISIONS,
SERVICE.

(1) Unless otherwise provided by law, section 82-4222 requires service on parties in accordance with requirements for service in civil actions. Unless otherwise provided by law and these rules, all motions and pleadings will be served in accordance with the Montana Rules of Civil Procedure.

1-1.6(2)-P6240-Model Rule 28-GENERAL PROVISIONS,
PUBLIC INSPECTION OF ORDERS AND DECISIONS.

(1) The agency must maintain an index of all final orders and decisions in contested cases and declaratory rulings. All final decisions and orders shall be available for public inspection on request. Section 82-4213(2). Copies of final decisions and orders must be given to the public on request after payment of the cost of duplication.

